

# Title 434 WAC

## SECRETARY OF STATE

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### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

- Chapter 434-08  
ELECTIONS**  
434-08-010      Advisory election upon contemplation of classification advancement. [Regulation 1, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.  
434-08-020      Remedial steps—Third class city under mayor-council government. [Regulation 2, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.  
434-08-030      Determination of original terms of councilmen—Second, third, or fourth class city or town. [Regulation 3, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.  
434-08-040      Appointment of clerks. [Regulation 4, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.  
434-08-050      Restrictions on write-in or sticker votes. [Regulation 5, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.  
434-08-060      Filing of electronic facsimile documents. [Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-060, filed 9/2/92, effective 10/3/92.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.  
434-08-070      Electronic facsimile filings not accepted. [Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-070, filed 9/2/92, effective 10/3/92.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.  
434-08-080      Electronic facsimile filings followed by original document. [Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-080, filed 9/2/92, effective 10/3/92.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.  
434-08-090      Rejection of electronic facsimile filings. [Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-090, filed 9/2/92, effective 10/3/92.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

**Reviser's note:** Later promulgation, see chapter 434-208 WAC.

### Chapter 434-09 SELECTION AND NOTIFICATION OF PERSONS BY SECRETARY OF STATE FOR CITIZENS' COMMISSION FOR SALARIES OF ELECTED OFFICIALS

- 434-09-010      Statement of purpose. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-010, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.  
434-09-020      Definitions. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-020, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.  
434-09-030      Qualification requirements. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-030, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.  
434-09-040      Transmitting and compiling the data file of records of registered voters. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-040, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97,

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	effective 11/13/97. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200.
434-09-050	Conducting the selection of names by lot. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-050, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-09-060	Notifying persons selected by lot. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-060, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-09-070	Determination of commission appointees from congressional districts. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-070, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-09-080	Names of selected persons to governor. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-080, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-09-090	Vacancy on the commission. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-090, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

**Reviser's note:** Later promulgation, see chapter 434-209 WAC.

**Chapter 434-15  
PUBLIC RECORDS—ARCHIVES**

434-15-010	Purpose. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-010, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-020	Definitions. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-020, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-030	Description of central and field organization of the division of archives and records management. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-030, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-040	Operations and procedures. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-040, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-050	Public records available. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-050, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-060	Public records officer. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-060, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-070	Office hours. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-070, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-080	Requests for public records—Archives—Scheduled. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-080, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-090	Fees. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-090, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-100	Exemptions. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-100, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-110	Review of denials of public records requests. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-110, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-120	Protection of public records. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-120, filed 6/10/85.] Repealed by 91-21-045, filed

434-15-130	10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-140	Records index. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-130, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-150	Communication with division—Address. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-140, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-990	Adoption of form. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-150, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-99001	Appendix A—Management organization chart of state archivist. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-990, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
	Appendix B—Form—Request for public records. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-99001, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.

**Chapter 434-16  
FILING UNDER UNIFORM COMMERCIAL CODE**

434-16-010	Authority and purpose. [Regulation 1, § 1, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-010.
434-16-020	Applicable statute. [Regulation 1, § 2, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-020.
434-16-030	Definitions. [Regulation 1, § 3, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-030.
434-16-040	Standard forms. [Regulation 1, § 4, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-040.
434-16-050	Official approval of forms. [Regulation 1, § 5, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-050.
434-16-060	Rejection of filings. [Regulation 1, § 6, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-060.
434-16-070	Prefiled financing statements. [Regulation 1, § 7, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Request for information or copies. [Regulation 1, § 8, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-070.
434-16-080	Amendment fees. [Regulation 1, § 9, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-090.
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## 434-19-010

434-19-010	Authority and purpose. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-010, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-010.
434-19-012	Official address. [Statutory Authority: RCW 19.09.315. 90-22-021 and 90-23-040, § 434-19-012, filed 10/30/90 and 11/15/90, effective 11/30/90 and 12/16/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-012, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-015.

**Chapter 434-19  
CHARITABLE SOLICITATIONS**

	Authority and purpose. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-012, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-015.
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**Title 434****Title 434 WAC: Secretary of State**

434-19-081	Independent fundraiser registration—Single business name required. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-081, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-19-101	and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-082	Independent fundraiser registration—Physical address required. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-082, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-19-102	Conditions applicable to solicitations—Multiple contacts deemed single solicitation. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-101, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-101, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-083	Independent fundraiser registration—Registration fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-083, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-19-110	Conditions applicable to solicitations—Name of solicitor. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-102, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-084	Independent fundraiser registration—Calculation of percentage waived. [Statutory Authority: RCW 19.09.-315. 90-22-021, § 434-19-084, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-084, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-19-113	Conditions applicable to solicitations—Written disclosure—Standard. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-110, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-110, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-085	Independent fundraiser registration—Responsibility for reporting finances. [Statutory Authority: RCW 19.09.-315. 90-22-021, § 434-19-085, filed 10/30/90, effective 11/30/90.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-19-114	Conditions applicable to solicitations—New organization. [Statutory Authority: RCW 19.09.190 and 19.09.-315. 88-09-028 (Order 88-02), § 434-19-113, filed 4/14/88.] Repealed by 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.
434-19-086	Independent fundraiser registration—Newly formed organization. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-086, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-19-115	Conditions applicable to solicitations—Solicitation conducted. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-114, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-114, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-087	Independent fundraiser reregistration—Change in business structure. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-087, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-19-118	Conditions applicable to solicitations—Responsibility for content of solicitation. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-115, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.-190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-115, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-088	Independent fundraiser reregistration—Evidence of continuation of bonding required. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-088, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-19-190	Conditions applicable to solicitations—Solicitation conducted via electronic media. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-118, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-118, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-090	Charitable organizations and independent fundraisers—Contract registration form—Timing. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-090, filed 4/14/88.] Repealed by 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.	434-19-191	Surety bond—Bond extended to other independent fundraiser. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-190, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-097	Charitable organizations and independent fundraisers—Contract registration form—Timing. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-097, filed 10/30/90, effective 11/30/90.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-19-192	Surety bond—Notice of exemption from bond requirement. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-191, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-191, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-098	Charitable organizations and independent fundraisers—Contract registration form—Fee waived. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-098, filed 10/30/90, effective 11/30/90.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.		Surety bond—Reduction in bond amount. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-192, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-192, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
434-19-100	Conditions applicable to solicitations—Exempt organizations exempted. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-100, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94		

434-19-193	Surety bond—Reinstatement of bond amount. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-193, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-193, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-24-035	29.04.210, 29.36.150 and 29.79.200. Maintenance of recent voting record. [Order 74-4, § 434-24-035, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-19-194	Surety bond—Impairment of bond. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-194, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-24-040	Oath of deputy registrars. [Order 74-4, § 434-24-040, filed 6/3/74; Order 6, § 434-24-040, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-19-195	Surety bond—Conditions defined. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-195, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-24-050	Basis voter registration form. [Order 74-4, § 434-24-050, filed 6/3/74; Order 8, § 434-24-050, filed 6/15/72; Order 6, § 434-24-050, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-19-230	Using the name of another entity—Reference to unnamed beneficiary. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-230, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.	434-24-055	Voter registration worksheet. [Order 74-4, § 434-24-055, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-20-010	Permanent registration Form 1. [Order 74-4, § 434-20-010, filed 6/3/74; Order 8, § 434-20-010, filed 6/15/72; Order 4 and Emergency Order 3, § 434-20-010, filed 8/10/71.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-24-060	Transmittal of signature cards to the secretary of state. [Order 74-4, § 434-24-060, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-20-020	Registrar's certificate of registered voters. [Order 74-4, § 434-20-020, filed 6/3/74; Order 4 and Emergency Order 3, § 434-20-020, filed 8/10/71.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-24-065	Exemption of transmittal of signature cards to the secretary of state. [Statutory Authority: RCW 20.04.080 and 29.07.120. 97-18-014, § 434-24-065, filed 8/25/97, effective 9/25/97.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-20-030	Certificate of transfer of registrations. [Order 74-4, § 434-20-030, filed 6/3/74; Order 4 and Emergency Order 3, § 434-20-030, filed 8/10/71.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-24-070	Voters' request for transfer. [Order 74-4, § 434-24-070, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-20-040	Certificate of cancellation of registrations. [Order 74-4, § 434-20-040, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-24-080	Transmittal of transfers to the secretary of state. [Order 74-4, § 434-24-080, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-20-050	Certificate of previously prescribed. [Order 74-4, § 434-20-050, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-24-085	Notice of new registration or transfer. [Order 74-4, § 434-24-085, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-24-090	Voters' authorization to cancel registration. [Order 74-4, § 434-24-090, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-24-095	Cancellation due to death. [Order 74-4, § 434-24-095, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-24-100	Cancellation for failure to vote. [Order 74-4, § 434-24-100, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-24-105	Notification of cancellation for failure to vote. [Order 74-4, § 434-24-105, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-24-110	Transmittal of cancellations to the secretary of state. [Order 74-4, § 434-24-110, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-24-115	Challenge of voter's registration. [Order 74-4, § 434-24-115, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-24-120	Contents of precinct list of registered voters. [Order 74-4, § 434-24-120, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-24-130	Contents of list of registered voters for the public. [Order 74-4, § 434-24-130, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

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- 434-24-140 Requests for list of registered voters. [Order 74-4, § 434-24-140, filed 6/3/74. Formerly WAC 434-24-130.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-150 Subsidies for establishment of automated voter registration systems. [Order 74-4, § 434-24-150, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-155 Subsidies for maintenance of records on automated voter registration systems. [Order 74-4, § 434-24-155, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-160 Approval of automated voter registration systems. [Order 74-4, § 434-24-160, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-170 Continuing review of automated voter registration systems. [Order 74-4, § 434-24-170, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

**Reviser's note:** Later promulgation, see chapter 434-324 WAC.

**Chapter 434-26  
MOTOR VOTER**

- 434-26-005 Authority and purpose. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-005, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-010 Definitions. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-010, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-015 Voter registration at driver license facilities. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-015, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-020 Registration procedure. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-020, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-025 Obtaining additional information from the applicant. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-025, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-030 Oaths and warnings. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-030, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-035 Cancellation of previous name registration. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-035, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-040 Transfer of information from the department of licensing to the secretary of state. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-040, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-045 Weekly transmittal of data from the department of licensing to the secretary of state. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-045, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-050 Transfer of data, and reports from the secretary of state to the county auditors. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-050, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-055 Transfer of voter registration forms to counties. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-055, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-060 Processing records received from the secretary of state. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-060, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-065 Reimbursement of county auditors and the department of licensing for routine transaction costs. [Statutory

- Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-065, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-900 Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-900, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

**Reviser's note:** Later promulgation, see chapter 434-326 WAC.

**Chapter 434-28  
DECLARATIONS OF CANDIDACY AND FILING PROCEDURES**

- 434-28-010 Declaration of candidacy—Partisan offices other than precinct committeeman. [Order 75-1, § 434-28-010, filed 6/26/75.] Repealed by 80-05-014 (Order 80-1), filed 4/8/80. Statutory Authority: RCW 29.04.080.
- 434-28-012 Declaration of candidacy—Offices subject to a primary. [Statutory Authority: 1990 c 59. 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-28-020 Declaration of candidacy—Precinct committee officer. [Statutory Authority: 1990 c 59. 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-28-030 Declaration of candidacy—Nonpartisan offices subject to a primary. [Order 75-1, § 434-28-030, filed 6/26/75.] Repealed by 80-05-014 (Order 80-1), filed 4/8/80. Statutory Authority: RCW 29.04.080.
- 434-28-040 Declaration of candidacy—Nonpartisan offices not subject to a primary. [Order 75-1, § 434-28-040, filed 6/26/75.] Repealed by 84-15-050 (Order 84-2), filed 7/16/84. Statutory Authority: RCW 29.04.080.
- 434-28-050 Use of title or rank prohibited. [Statutory Authority: 1990 c 59. 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-28-060 Duplication of names. [Statutory Authority: 1990 c 59. 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

**Reviser's note:** Later promulgation, see chapter 434-228 WAC.

**Chapter 434-30  
BALLOTS**

- 434-30-010 Sample ballots. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-010, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-020 Placement of state ballot measures. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-020, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-030 Placement of ballot measures for local units of government. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-030, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-040 Candidate's political party designation—Primary to general. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-040, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-050 Candidate nominated by two or more political parties or for two or more offices. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-050,

434-30-060	filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-30-200	filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-30-070	Primary votes required for appearance on general election ballot. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-060, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200.	434-30-210	Paper ballot instructions. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-200, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-30-080	Method for billing expense for printing and distributing ballot materials. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-070, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-30-220	Paper ballots—Ballot form. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-210, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-30-090	Judicial ballots—Form. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-080, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-32-010	Paper ballots—Numbering. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-220, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-30-100	Mechanical voting device ballot label uniformity. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-100, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-33-02	<b>Reviser's note:</b> Later promulgation, see chapter 434-230 WAC.
434-30-110	Mechanical voting device instructions. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-110, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-34-010	<b>Chapter 434-32</b> <b>NEW RESIDENT VOTERS</b>
434-30-120	Mechanical voting devices—Office title label. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-120, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-34-015	Definition of new resident voter extended. [Order 8, § 434-32-010, filed 6/15/72.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-30-130	Mechanical voting devices—Ballot form. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-130, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-34-020	<b>Reviser's note:</b> Later promulgation, see chapter 434-332 WAC.
434-30-140	Mechanical voting device diagrams. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-140, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-34-025	<b>Chapter 434-34</b> <b>ELECTRONIC VOTING REQUIREMENTS</b>
434-30-150	Electronic voting device ballot uniformity. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-150, filed 5/4/92, effective 6/4/92.] Decodified by 98-03-033, filed 1/13/98, effective 2/13/98. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-34-030	Certification of vote tallying equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-010, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-30-160	Electronic voting device instructions. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-160, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-34-035	Application for certification. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-015, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-30-170	Electronic voting devices—Ballot form. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-170, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-34-040	Additional information and equipment required. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-020, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-30-180	Ballot cards—Numbering. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-180, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-34-045	Vendor deposit for examination expenses. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-025, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-30-190	Paper ballot uniformity. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-30-190, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-34-050	Examination of equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-030, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

**Title 434****Title 434 WAC: Secretary of State**

434-34-055	Acceptance testing of voting systems and equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-055, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-020	effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
434-34-060	Inclusion of the federal election commission standards for voting equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-060, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-030	Definitions. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-020, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-34-065	Logic and accuracy test conduct. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-065, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-040	Request for mail ballot special election. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-030, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-34-070	Logic and accuracy test observers. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-050	Mail ballot special election plan. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-040, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-34-075	Logic and accuracy testing of voting systems and equipment—State primary and general election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-075, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-060	Review of the plan by the secretary of state. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-050, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-34-080	Logic and accuracy test deck preparation—State primary and general election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-070	Notice of election. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-060, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
434-34-085	Logic and accuracy test scheduling and preparation—State primary and general election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-085, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-080	Delivery of ballot to voter. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-070, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
434-34-090	Logic and accuracy test certification—State primary and general election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-090, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-090	Envelope specifications. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-080, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
434-34-095	Logic and accuracy testing of voting systems and equipment—Special elections. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-095, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-100	Instructions to voters. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-090, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
434-34-100	Logic and accuracy test deck preparation—Special elections. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-100, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-110	Depositing of ballots. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-100, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
434-34-105	Logic and accuracy test scheduling and preparation—Special election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-105, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-120	Obtaining replacement ballots. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-110, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-34-110	Logic and accuracy test certification—Special election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-110, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-130	Unsigned affidavit. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-120, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
434-34-115	Logic and accuracy tests for direct recording electronic equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-115, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-36-140	Signature verification—Personnel. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-130, filed 11/1/83.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
<b>Reviser's note:</b> Later promulgation, see chapter 434-334 WAC.		434-36-150	Verification of signatures—Process. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-140, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
Chapter 434-36 VOTE-BY-MAIL		434-36-160	County canvassing board. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-150, filed 11/1/83.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
434-36-010	Authority and purpose. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-010, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97,	434-36-170	Master list of voters. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-160, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
		434-36-180	Logic and accuracy test. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-170, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04-080, 29.04.210, 29.36.150 and 29.79.200.
			Tallying of ballots. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-180, filed

434-36-190	11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200. Canvassing of ballots. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-190, filed 11/1/83.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-40-090	tive 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. Special absentee ballot application form. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-090, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-36-200	Maintenance of records. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-200, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200.	434-40-100	Special absentee ballot—Material to be included. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-100, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-36-210	Report to the secretary of state. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-210, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-40-110	Special absentee ballot—Time application received. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-110, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
<b>Reviser's note:</b> Later promulgation, see chapter 434-236 WAC.		434-40-120	Hospital absentee ballot application form. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-120, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-005	Authority and purpose. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-005, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200.	434-40-130	Incomplete application. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-130, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200.
434-40-010	Definitions. [Statutory Authority: 1991 c 23. 91-20-074, § 434-40-010, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-010, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-40-140	Signature discrepancies. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-140, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-020	Applications for absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-020, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-40-150	Verification of absentee ballot application. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-150, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-025	Telephone requests for absentee ballots. [Statutory Authority: RCW 29.36.010. 92-18-093, § 434-40-025, filed 9/2/92, effective 10/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-40-160	Notification to voter of incomplete application. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-160, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-030	Application form for a regular absentee ballot. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-030, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-40-170	Security of absentee ballot applications. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-170, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-040	Absentee ballot application forms originating outside the state of Washington. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-040, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200.	434-40-180	Service and overseas voters—Material and postage. [Statutory Authority: 1991 c 23. 91-20-074, § 434-40-180, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-180, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-050	Ongoing absentee ballot application. [Statutory Authority: 1991 c 23. 91-20-074, § 434-40-050, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.-150. 88-03-019 (Order 88-1), § 434-40-050, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200.	434-40-190	Absentee ballot envelopes. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-190, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-060	Termination of ongoing absentee voter status. [Statutory Authority: 1991 c 23. 91-20-074, § 434-40-060, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-060, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200.	434-40-200	Absentee ballot—Instructions to voters. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-200, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-070	Notice of termination as ongoing absentee voter. [Statutory Authority: 1991 c 23. 91-20-074, § 434-40-070, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-070, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-40-210	Canvassing board—Delegation of authority. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-210, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-080	Renewal of status as ongoing absentee voter. [Statutory Authority: 1991 c 23. 91-20-074, § 434-40-080, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-080, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effec-	434-40-220	Canvassing board—Notice of open public meeting. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-220, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-40-230	Processing of absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-230, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

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434-40-240	Verification of the signature and postmark on absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-240, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-50-040	tive 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. Miscellaneous charges—Special service fees. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-040, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
434-40-250	Absentee voter attempting to vote at the polls. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-250, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-50-045	Fee prepayment, when required. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-045, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
434-40-260	Absentee ballots returned after the poll lists have been marked. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-260, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-50-050	Original signature requirement—Original retained. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-050, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
434-40-270	Maintenance of an audit trail on absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-270, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-50-055	Registered office address—Requirements. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-055, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
434-40-280	Challenge to the registration of absentee voters. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-280, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		
434-40-290	Security of absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-290, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-53-010	Activities prohibited within the polling place. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-010, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-300	Absentee ballot process to be expedited. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-300, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-53-020	Election supplies—Polling place. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-020, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-40-310	Absentee ballot—Credit for having voted. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-310, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-53-030	Securing the ballot box. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-030, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
	<b>Reviser's note:</b> Later promulgation, see chapter 434-240 WAC.	434-53-040	Verification of voter's name. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-040, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-53-050	Voter unable to sign name—Authority to vote. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-050, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-53-060	Credit for voting. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-060, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-53-070	Accounting for ballot stub. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-070, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-53-080	Voter leaving polling place without voting. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-080, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-53-090	Designation of poll watchers. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-090, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-53-100	Electronic voting devices—Identified for specific candidates or measures. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-100, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
		434-53-110	Examination of voting devices. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-110, filed 6/2/92, effec-

434-53-120	Spoiled ballot procedures. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-120, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-53-280	effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-53-130	Assistance to voters. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-130, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-53-290	Counting and tabulation of paper ballots where more than one set of precinct election officers are appointed—Procedure. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-290, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-53-140	Voter intentionally causing delay. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-140, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-53-300	Paper ballots—Count continuous—When duties completed. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-300, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-53-150	Closing the polls. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-150, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-53-310	Paper ballots—Unofficial results—Copies—Posting—Transmittal. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-310, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-53-160	Ballot accountability—Form for recording. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-160, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-53-320	Rejection of ballots or parts of ballots—Questions on the legality of ballots. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-320, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-53-170	Audit trail for unused ballots. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-170, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	<b>Reviser's note:</b> Later promulgation, see chapter 434-253 WAC.	
434-53-180	Recording of spoiled ballots. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-180, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		
434-53-190	Disposition of irregularly voted ballots. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-190, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		
434-53-200	Count of voted ballots. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-200, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		
434-53-210	Preparing voted ballots for transfer. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-210, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		
434-53-220	Transfer of ballots prior to closing of the polls. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-220, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		
434-53-230	Sealing the ballot pages appearing in voting devices. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-230, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		
434-53-240	Return of election supplies and materials. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-240, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		
434-53-250	Paper ballot precincts—General applicability of rules. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-250, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		
434-53-260	Counting and tabulation prior to closing of the polls—Secrecy of the returns. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-260, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-57-010	Purpose. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-010, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-53-270	Counting of ballots after polls close. [Statutory Authority: 1990 c 59. 92-12-083, § 434-53-270, filed 6/2/92,	434-57-020	Definitions. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-020, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-57-030	Standards for accessible polling places and permanent voter registration facilities. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-030, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-57-040	Use of public buildings as polling places. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-040, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-57-050	Assistance from persons with disabilities. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-050, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-57-070	Report of precincts and polling places. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-070, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-57-080	Examination of inaccessible polling places. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-080, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-57-090	Accessible polling places—Exceptions. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-090, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-57-100	Procedures for inaccessible polling places. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-100, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-57-120	Accessible permanent voter registration facilities. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-120, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

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434-57-130	Voting and registration instructions. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-130, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-57-150	Notice of accessibility. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-150, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
<b>Reviser's note:</b> Later promulgation, see chapter 434-257 WAC.	
<b>Chapter 434-60 ELECTION REVIEW PROCESS</b>	
434-60-010	Intent. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-020	Definitions. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-030	Scheduled reviews—Auditor request. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-040	Scheduled reviews—Secretary of state to designate. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-050	Notice of review. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-060	Notification of review process. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-070	Frequency of scheduled reviews. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-080	Special review—Legislative district race. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-090	Special review of congressional or statewide races. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-100	Expense of reviews. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-110	Election review checklist. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-120	Adoption of election review checklist. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-130	Preliminary scheduled review report. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-140	Response from county auditor/canvassing board. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-150	Final scheduled review report. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-160	Special review recommendations. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-170	Distribution of special review recommendations and response. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-180	Appeal from scheduled review report. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-180, filed 3/18/98, effective 3/18/98.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

434-60-190	Processing of appeal. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-200	Standards for evaluating appeals. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-210	Intent. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-215	Definitions. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-220	Certification of election administrators and deputy election administrators. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-230	Certification credit system. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-240	Mandatory orientation. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-250	Experience as an election administrator, or as a deputy election administrator. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-260	Open book written test. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-260, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-270	Participation in conferences and workshops. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-280	Formal education. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-290	Participation in other education activities. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-300	Maintaining certification. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-310	Certification of minimum requirements. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-320	Training program for county canvassing board members. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-330	Training program for election observers. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-340	Training video tapes available. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-340, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-350	Approval of training programs. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

**Reviser's note:** Later promulgation, see chapter 434-260 WAC.

**Chapter 434-61  
COUNTING CENTER PROCEDURES**

434-61-010	Counting center location—Direction of proceedings. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-010, filed 5/4/92, effective 6/4/92.]
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434-61-020	Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-090	10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-61-030	Counting center—Political party observers. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-020, filed 5/4/92, effective 6/4/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-100	Receipt of certified copy of auditor's abstract of votes by secretary of state. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-61-040	Transfer of ballots to counting center or collection station. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-030, filed 5/4/92, effective 6/4/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-110	Canvass of returns by the secretary of state—Powers and duties. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-61-050	Receipt of ballots at the counting center. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-040, filed 5/4/92, effective 6/4/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-120	Certification of primary returns by the secretary of state. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-61-060	Handling of transfer container discrepancies. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-050, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-130	Certification of general election returns by the secretary of state. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
	Vote tallying system—A manual count of random precincts. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-060, filed 5/4/92, effective 6/4/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-140	Certification of special primaries and special elections. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
	<b>Reviser's note:</b> Later promulgation, see chapter 434-261 WAC.	434-62-150	Microfilm copies of election returns. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-62-005	Authority and purpose. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-160	Rejection of ballots or parts of ballots. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-150, filed 6/2/92, effective 7/3/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-62-010	Definitions. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-170	Write-in-voting—Voter intent. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-62-020	Preliminary abstract of votes. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-180	Referral of ballots to canvassing board. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-170, filed 6/2/92, effective 7/3/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-62-030	Auditor's abstract of votes. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-190	Tabulation of ballots to be continuous—Exception. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-180, filed 6/2/92, effective 7/3/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-62-040	Verification of auditor's abstract of votes. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.	434-62-200	Canvassing board—Opening ballot container. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-190, filed 6/2/92, effective 7/3/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-62-050	Errors or discrepancies discovered during the verification of the auditor's abstract of votes. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		Retention of records. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
434-62-060	Documentation of corrective action taken. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		<b>Reviser's note:</b> Later promulgation, see chapter 434-262 WAC.
434-62-070	Official county canvass report. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.] Decoded by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.		<b>Chapter 434-69</b> MAPS AND CENSUS CORRESPONDENCE LISTINGS
434-62-080	Auditor's abstract of votes—Secretary of state to receive certified copy—Transmittal. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.] Decoded by 97-21-045, filed	434-69-005	Authority and purpose. [Statutory Authority: RCW 29.04.140, 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.] Decoded by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-69-010	Definitions. [Statutory Authority: RCW 29.04.140, 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.] Decoded by 98-08-010, filed 3/18/98, effective 3/18/98.
		434-69-020	Precinct maps—Availability and distribution. [Statutory Authority: RCW 29.04.140, 80-05-013 (Order 80-2), §

**Title 434****Title 434 WAC: Secretary of State**

434-69-030	434-69-020, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98. Precinct lists—Preparation and filing. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-69-040	Base maps, census overlay maps, and related information—Duties of the secretary of state. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-69-050	Precinct overlay maps—Preparation. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-69-060	Census correspondence listings—Preparation. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-69-070	Detail maps and census correspondence listings—Maintenance, distribution, and filing. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-69-080	Compensation to county auditors for direct expenses. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-080, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

**Reviser's note:** Later promulgation, see chapter 434-369 WAC.

**Chapter 434-75  
PRESIDENTIAL PREFERENCE PRIMARY**

434-75-010	Authority and purpose. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-120	filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-020	Definitions. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-130	Certification of candidates. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-030	Presidential preference primary—When held. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-030, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-140	Conduct of the presidential preference primary. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-040	Presidential preference primary—Changing the date. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-150	Party declaration by voter. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-050	Procedures to be followed when changing primary date. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-160	Ballot request form used at the polling place. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-060	Designation of candidates by secretary of state. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-170	Ballot—Separation of political parties. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-070	Removal from list of designees. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-180	Secretary of state to designate color of ballots and election materials. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-170, filed 8/26/91, effective 9/26/91.] Repealed by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-080	Petition process for ballot access. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-190	Ballots—Arrangement of names—Instructions. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-090	Form of the nominating petition. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-200	Special election held in conjunction with the presidential preference primary. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-100	Verification of signatures by secretary of state. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-75-210	Special election ballot—Use by poll workers when voter declines to identify party. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-200, filed 8/26/91, effective 9/26/91.] Repealed by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
434-75-110	Determination of insufficient signatures. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-110,	434-75-220	Provisions regarding ballots applicable to absentees. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
		434-75-230	Absentee ballot request form. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
		434-75-240	Incomplete absentee ballot requests. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
		434-75-250	Lack of party designation. [Statutory Authority: RCW 29.19.070. 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
		434-75-260	Ongoing absentee voters. [Statutory Authority: RCW 29.19.070. 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
		434-75-270	Canvassing and tabulation of presidential primary absentee ballots. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
			Vote-by-mail precincts. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-270, filed 8/26/91,

434-75-280	effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-80-060	Content of statements for candidates' pamphlet. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-060, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-75-290	Ballots not tabulated. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-80-070	Editing and review. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-070, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-75-290	Canvassing and certification of presidential preference primary. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-81-010	Reviser's note: Later promulgation, see chapter 434-380 WAC.
434-75-300	Canvassing and tabulation of other special elections. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-300, filed 8/26/91, effective 9/26/91.] Repealed by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-81-020	Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-75-310	Mandatory recount provisions do not apply. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-81-030	Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-75-320	Political party preference data—Transmittal to the major political parties. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-81-040	Additional members on committees to draft arguments for the voters pamphlets. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-75-330	Retention of election material. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-81-050	Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-75-340	Claims for reimbursement. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-81-060	Advisory committees. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-75-350	Time for submission and payment of claims for reimbursement. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.	434-81-070	Length of statements and rebuttals. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

**Reviser's note:** Later promulgation, see chapter 434-219 WAC.

#### Chapter 434-79

#### VERIFICATION OF SIGNATURES ON REFERENDUM AND INITIATIVE PETITIONS

434-79-010	Random sampling procedure. [Statutory Authority: RCW 29.79.200 and 29.04.080. 97-17-035, § 434-79-010, filed 8/13/97, effective 9/13/97. Statutory Authority: RCW 29.79.200. 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
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**Reviser's note:** Later promulgation, see chapter 434-379 WAC.

#### Chapter 434-80

#### OFFICIAL CANDIDATES' PAMPHLET—STATEMENTS AND PHOTOGRAPHS

434-80-010	Deadline for submission of statements and photographs. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-010, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-80-020	Rejection of statement or photograph. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-020, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-80-030	Photographs. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-030, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-80-040	Length of statements. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-040, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-80-050	Restrictions on style for candidates' statement. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-050, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

434-80-060	Content of statements for candidates' pamphlet. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-060, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-80-070	Editing and review. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-070, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-010	Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-020	Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-030	Additional members on committees to draft arguments for the voters pamphlets. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-040	Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-050	Advisory committees. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-060	Length of statements and rebuttals. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-070	Restrictions on the style of statements in the voters pamphlets. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-070, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-080	Submission of statements and rebuttals. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-080, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-090	Rejection of statements for the voters pamphlet. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-090, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-81-100	Editing of statements for the voters pamphlet. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-100, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

**Reviser's note:** Later promulgation, see chapter 434-381 WAC.

#### Chapter 434-91

#### SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES

434-91-010	Purpose. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-91-020	Submission of a preliminary and a final cost-effective ness study of a major public energy project. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-91-030	Request for an election pursuant to RCW 80.52.040. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-91-040	Designation of the bond issue on the ballot. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

**Title 434****Title 434 WAC: Secretary of State**

434-91-050	Ballot title. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-228-020	Declaration of candidacy—Precinct committee officer. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02.
434-91-060	Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-228-050	Use of title or rank prohibited. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02.
434-91-070	Actions to contest contents of the ballot title or summary of the final cost-effectiveness study. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-228-060	Duplication of names. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02.
434-91-080	Certification of the request for a special election to the county auditors. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.		<b>Reviser's note:</b> Later promulgation, see chapter 434-215 WAC.
434-91-090	Recommendations for committees to draft statements for the voters pamphlet. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.		
434-91-100	Appointment of committees. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-236-010	Authority and purpose. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-010, filed 11/1/83.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-238-010.
434-91-110	Advisory committees. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-236-020	Definitions. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-020, filed 11/1/83.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-238-020.
434-91-120	Submission of arguments and rebuttals. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-236-025	Mail ballot precincts. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-236-025, filed 3/12/02, effective 4/12/02.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-238-025.
434-91-130	Permissible costs in allocation of election expenses. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-236-030	Request for mail ballot election. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-236-030, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-030, filed 11/1/83.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-238-030.
434-91-140	Allocation of costs. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-236-040	Mail ballot election plan. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-040, filed 11/1/83.] Repealed by 02-07-028, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.210, 29.36.150.
434-91-150	Documentation of charges for proportional share of election costs. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-236-050	Review of the plan by the secretary of state. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-050, filed 11/1/83.] Repealed by 02-07-028, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.210, 29.36.150.
434-91-160	Proportional costs of voters pamphlet and other costs to the secretary of state. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-236-055	Odd numbered year primaries by mail. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-236-055, filed 3/12/02, effective 4/12/02.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-238-055.
434-91-170	Reimbursement to counties for proportional share of election costs. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-236-060	Notice of election. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-236-060, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-060, filed 11/1/83.]

**Reviser's note:** Later promulgation, see chapter 434-291 WAC.

**Chapter 434-228****DECLARATIONS OF CANDIDACY AND FILING PROCEDURES**

(Formerly chapter 434-28 WAC)

434-228-005	Filing information—Questionnaire—Compiling and dissemination. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-228-005, filed 10/13/97, effective 11/13/97.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02.		
434-228-012	Declaration of candidacy—Offices subject to a primary. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-012, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02.		



**Title 434****Title 434 WAC: Secretary of State**

434-238-080	Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-070, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-238-170	Logic and accuracy test. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-238-170, filed 7/16/04, effective 8/16/04. 02-09-007, recodified as § 434-238-170, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-236-170, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-236-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-080, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-238-090	Envelope specifications. [02-09-007, recodified as § 434-238-080, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-236-080, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-080, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-238-180	Tallying of ballots. [02-09-007, recodified as § 434-238-180, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-236-180, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-180, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-238-100	Instructions to voters. [02-09-007, recodified as § 434-238-090, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-236-090, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-236-090, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-236-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-090, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-238-200	Maintenance of records. [02-09-007, recodified as § 434-238-200, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-200, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-238-110	Depositing of ballots. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-238-100, filed 7/16/04, effective 8/16/04. 02-09-007, recodified as § 434-238-100, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-236-100, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-100, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-240-005	Definitions. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-240-005, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. 03-15-054, § 434-240-010, filed 7/11/03, effective 8/11/03; 02-20-037, § 434-240-010, filed 9/24/02, effective 10/25/02. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-010, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. 91-20-074, § 434-40-010, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-010, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-238-110	Obtaining replacement ballots. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-238-110, filed 7/16/04, effective 8/16/04. 02-09-007, recodified as § 434-238-110, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-236-110, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-110, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-240-010	Applications for single absentee ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-020, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-020, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-238-120	Unsigned affidavit. [02-09-007, recodified as § 434-238-120, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-120, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-120, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-240-020	Definitions. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-240-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. 03-15-054, § 434-240-010, filed 7/11/03, effective 8/11/03; 02-20-037, § 434-240-010, filed 9/24/02, effective 10/25/02. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-010, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. 91-20-074, § 434-40-010, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-010, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-238-140	Verification of signatures—Process. [02-09-007, recodified as § 434-238-140, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-236-140, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-140, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-140, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-240-025	Telephone requests for absentee ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-025, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.010. 92-18-093, § 434-40-025, filed 9/2/92, effective 10/3/92.] Repealed by 02-07-028, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.210, 29.36.150.
434-238-160	Master list of voters. [02-09-007, recodified as § 434-238-160, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-160, filed 11/1/83.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-240-027	Requesting absentee ballot for family member. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-027, filed 3/12/02, effective 4/12/02.]

	Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-030	Application form for a regular absentee ballot. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-030, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-040	Absentee ballot application forms originating outside the state of Washington. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-040, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-050	Ongoing absentee ballot application. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. 91-20-074, § 434-40-050, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-050, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-060	Termination of ongoing absentee voter status. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-240-060, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-060, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. 91-20-074, § 434-40-060, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-060, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-080	Special absentee ballot. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-080, filed 3/12/02, effective 4/12/02.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-090	Special absentee ballot application form. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-090, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-090, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-100	Special absentee ballot—Material to be included. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-100, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-100, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-110	Special absentee ballot—Time application received. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-110, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-110, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-120	Health care facility absentee ballot application form. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-120, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-120, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-120, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-130	Incomplete application from elector. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-130, filed 3/12/02, effective 4/12/02. Statutory Authority:	ity: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-130, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-130, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-240-150		Verification of absentee ballot application. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-150, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-150, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-150, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-240-160		Notification to voter of incomplete application. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-160, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-160, filed 1/12/88.] Repealed by 02-07-028, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.210, 29.36.150.
434-240-180		Service and overseas voters—Material and postage. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. 91-20-074, § 434-40-180, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-180, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-240-190		Absentee ballot envelopes. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-190, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-240-190, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-240-190, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-190, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-240-200		Absentee ballot—Instructions to voters. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-240-200, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-200, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-200, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-240-205		Replacement absentee ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-205, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080 and 29.04.210. 99-08-089, § 434-240-205, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-240-205, filed 10/13/97, effective 11/13/97.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-240-225		Definitions regarding absentee ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-240-225, filed 10/13/97, effective 11/13/97.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-240-230		Processing of absentee ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-230, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-240-230, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-240-230, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-230, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-240-235		Unsigned affidavit. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-235, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW

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29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-240-235, filed 1/13/98, effective 2/13/98.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	
434-240-240 Verification of the signature and postmark on absentee ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-240-240, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-240, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-240, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-333-010
434-240-245 Procedure for signatures that don't match. [Statutory Authority: RCW 29.04.080. 04-01-072, § 434-240-245, filed 12/12/03, effective 1/12/04.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-333-015
434-240-250 Absentee voter attempting to vote at the polls. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-240-250, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-250, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-250, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-333-020
434-240-260 Absentee ballots returned after the poll lists have been marked. [Statutory Authority: RCW 29.04.080, 29.04.-210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-260, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-260, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-333-025
434-240-270 Maintenance of an audit trail on absentee ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-270, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-270, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-333-030
434-240-290 Security of absentee ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-290, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.-150. 88-03-019 (Order 88-1), § 434-40-290, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-333-035
434-240-300 Absentee ballot process to be expedited. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-300, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-300, filed 1/12/88.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-333-040
434-240-320 Mail ballot precincts. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-240-320, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.-210, 29.36.150. 02-07-028, § 434-240-320, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-240-320, filed 1/13/98, effective 2/13/98.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-333-045
	<b>Chapter 434-332 NEW RESIDENT VOTERS</b> (Formerly chapter 434-32 WAC)
434-332-010 Definition of new resident voter extended. [98-08-010, recodified as § 434-332-010, filed 3/18/98, effective 3/18/98; Order 8, § 434-32-010, filed 6/15/72.] Repealed by 02-13-097, filed 6/18/02, effective 7/19/02. Statutory Authority: RCW 29.04.080.	434-333-050

**Chapter 434-333  
ELECTRONIC VOTING REQUIREMENTS**

(Formerly chapter 434-334 WAC)

Certification of vote tallying equipment. [02-09-007, recodified as § 434-333-010, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.-210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-010, filed 6/2/92, effective 7/3/92.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
Application for certification [02-09-007, recodified as § 434-333-015, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-015, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-015, filed 6/2/92, effective 7/3/92.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.-611.
Additional information and equipment required. [02-09-007, recodified as § 434-333-020, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.-210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-020, filed 6/2/92, effective 7/3/92.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
Vendor deposit for examination expenses. [02-09-007, recodified as § 434-333-025, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.-210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-025, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-025, filed 6/2/92, effective 7/3/92.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
Examination of equipment. [02-09-007, recodified as § 434-333-030, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-030, filed 6/2/92, effective 7/3/92.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.-611.
Public hearing. [02-09-007, recodified as § 434-333-035, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-035, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-035, filed 6/2/92, effective 7/3/92.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
Issuance of certification. [02-09-007, recodified as § 434-333-040, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-040, filed 6/2/92, effective 7/3/92.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.-611.
Modification of certified equipment, guidelines for reexamination. [02-09-007, recodified as § 434-333-045, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-045, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-045, filed 6/2/92, effective 7/3/92.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
Application for certification or examination of modified voting systems or devices. [02-09-007, recodified as § 434-333-050, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-050, filed 6/2/92, effective 7/3/92.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05.



**Title 434****Title 434 WAC: Secretary of State**

434-333-130	Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-015	tive 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-010.
434-333-135	Punchcard test precinct selection—State primary and general elections. [02-09-007, recodified as § 434-333-130, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-130, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-020	Application for certification. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-015, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-015, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-015.
434-333-140	Punchcard testing requirements prior to official logic and accuracy test. [02-09-007, recodified as § 434-333-135, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-135, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-025	Additional information and equipment required. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-020, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-020.
434-333-145	Definitions. [02-09-007, recodified as § 434-333-140, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-140, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-140, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-030	Vendor deposit for examination expenses. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-025, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-025, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-025.
434-333-150	Logic and accuracy test deck preparation—State primary and general election—Optical scan systems. [02-09-007, recodified as § 434-333-145, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-145, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-035	Examination of equipment. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-030, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-030.
434-333-155	Optical scan test ballot selection—State primary and general elections. [02-09-007, recodified as § 434-333-150, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-150, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-040	Public hearing. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-035, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-035, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-035.
434-333-160	Optical scan read head adjustment standards and tests. [02-09-007, recodified as § 434-333-155, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-155, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-045	Issuance of certification. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-040, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-040.
434-333-165	Optical scan read head and ballot scan area alignment tests. [02-09-007, recodified as § 434-333-160, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-160, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-160, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-050	Modification of certified equipment, guidelines for re-examination. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-045, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-045, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-045.
434-333-170	Optical scan ballot marking code program test. [02-09-007, recodified as § 434-333-165, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-165, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-165, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-055	Application for certification or examination of modified voting systems or devices. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-050, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-050.
434-333-175	Precinct-based optical scan ballot counter preparation and testing. [02-09-007, recodified as § 434-333-170, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-170, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-060	Acceptance testing of voting systems and equipment. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-055, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-055, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-055, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-055.
434-334-010	Poll site-based optical scan ballot counter test notices, observers, and log of process. [02-09-007, recodified as § 434-333-175, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-175, filed 4/7/99, effective 5/8/99.] Repealed by 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.	434-334-063	Inclusion of the federal election commission standards for voting equipment. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-060, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-060.
	<b>Reviser's note:</b> Later promulgation, see chapter 434-335 WAC.	434-334-065	Definition of official logic and accuracy test. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-063, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-063.
			Logic and accuracy test conduct. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-065, filed

	4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-065, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-065, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-065.	434-334-105	Logic and accuracy test scheduling and preparation—Special election. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-105, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-105.
434-334-070	Logic and accuracy test observers. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-070, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-070.	434-334-110	Logic and accuracy test certification—Special election. [Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-110, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-110, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-110, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-110.
434-334-075	Logic and accuracy testing of voting systems and equipment—State primary and general election. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-075, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-075, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-075, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-075.	434-334-115	Logic and accuracy tests for direct recording electronic equipment. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-115, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-115, filed 6/2/92, effective 7/3/92.] Repealed by 99-08-115, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.33.350.
434-334-080	Logic and accuracy test preparation—State primary and general election—Punchcard system. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-080 filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.] Decodified by 99-08-115, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.33.350. Later promulgation, see WAC 434-334-120.	434-334-120	Logic and accuracy test preparation—State primary and general election—Punchcard systems. [Statutory Authority: RCW 29.33.350. 99-08-115, recodified as § 434-334-120, filed 4/7/99, effective 5/8/99; 99-08-115, § 434-334-080, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-120.
434-334-082	Procedure for conduct of delayed primary or general election emergency logic and accuracy test. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-082, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-082.	434-334-125	Punchcard test deck maintenance and storage. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-125, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-125.
434-334-085	Logic and accuracy test scheduling and preparation—State primary and general election. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-085, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-085, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-085, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-085.	434-334-127	Punchcard adjustment standards and tests. [Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-127, filed 4/21/00, effective 5/22/00.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-127.
434-334-090	Logic and accuracy test certification—State primary and general election. [Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-090, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-090, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-090, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-090.	434-334-130	Punchcard test precinct selection—State primary and general elections. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-130, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-130.
434-334-095	Logic and accuracy testing of voting systems and equipment—Special elections. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-095, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-095, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-095, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-095.	434-334-135	Punchcard testing requirements prior to official logic and accuracy test. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-135, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-135.
434-334-100	Logic and accuracy test deck preparation—Special elections. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-100, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-100, filed 6/2/92, effective 7/3/92.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-100.	434-334-140	Definitions. [Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-140, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-140, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-140.
	Logic and accuracy test deck preparation—State primary and general election—Optical scan systems. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-145, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-145.	434-334-145	Logic and accuracy test deck preparation—State primary and general election—Optical scan systems. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-150, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-150.
	Optical scan test ballot selection—State primary and general elections. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-150, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-150.	434-334-150	Optical scan read head adjustment standards and tests. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-155, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-155.
	Optical scan read head and ballot scan area alignment tests. [Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-160, filed 4/21/00, effective 5/22/00;	434-334-155	[Title 434 WAC—p. 23]

**Chapter 434-04****Title 434 WAC: Secretary of State**

434-334-165	99-08-115, § 434-334-160, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-160. Optical scan ballot marking code program test. [Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-165, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-165, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-165.	434-04-070      Nonexclusive licensing agreement—Contents. 434-04-075      Renewal of licensing agreement. 434-04-080      Revocation of use. 434-04-090      Uses exempt from application process.
434-334-170	Precinct-based optical scan ballot counter preparation and testing. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-170, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified by WAC 434-333-170.	[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-010, filed 9/29/89, effective 10/30/89.]
434-334-175	Poll site-based optical scan ballot counter test notices, observers, and log of process. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-175, filed 4/7/99, effective 5/8/99.] Decodified by 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as WAC 434-333-175.	<b>WAC 434-04-010 Authority and purpose.</b> These rules are adopted under authority of chapter 43.04 RCW to provide for the efficient authorization of the use of the state seal.
	<b>WAC 434-04-015 Definitions.</b> When used in this chapter, unless the context clearly indicates otherwise:	
434-380-010	<b>(1)</b> "Secretary" is the secretary of state and his or her designee;	
434-380-020	<b>(2)</b> "State seal" or "seal" is the seal of the state of Washington, used in any form (embossed, displayed, printed, physical representation or any other reproduction) as described in RCW 1.20.080 and in WA. Const., Article XVIII, Section 1, or the seal as used on the state flag according to specifications detailed in WAC 434-04-017, or the seal produced by the seal making device designed and created by the Talcott brothers of Olympia in 1889, unless context indicates otherwise;	
434-380-030	<b>(3)</b> "Person" is any public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body thereof;	
434-380-040	<b>(4)</b> "State agency" is, for the purpose of this chapter, any office, department, board, commission, or other separate unit or division, however designated, of the state government together with all personnel thereof.	
434-380-050	<b>(a)</b> Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and	
434-380-060	<b>(b)</b> That has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to	
434-380-070	<b>(i)</b> No public officer or <b>(ii)</b> The governor.	
	<b>(5)</b> "State elected official" is a member of the house of representatives, senate, supreme court, court of appeals and the governor, auditor, secretary of state, treasurer, commissioner of public lands, superintendent of public instruction, insurance commissioner, lieutenant governor, and attorney general of the state of Washington and their designees;	
	<b>(6)</b> "Educational use" means the primary use of an item containing the state seal as an educational tool;	
	<b>(7)</b> "Commercial use" and "commercially distributed" means a use of items containing the seal that will be distributed for sale. This shall not include those items to be used for official state business.	
	[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-015, filed 9/29/89, effective 10/30/89.]	

**Reviser's note:** Later promulgation, see chapter 434-381 WAC.

**Chapter 434-04 WAC**  
**USE OF THE STATE SEAL****WAC**

434-04-010	Authority and purpose.
434-04-015	Definitions.
434-04-017	Description of seal for use on state flags.
434-04-020	General permitted uses.
434-04-030	Permitted uses of the embossed seal.
434-04-040	General prohibitions.
434-04-050	Application process.
434-04-060	Approval and denial of use—Applications.

**WAC 434-04-017 Description of seal for use on state flags.** (1) Each flag shall have official identical seals, one on each side of the flag, and so placed that the center of each seal shall be centered on each side of the flag. The seal may have a serrated edge;

(2) The size of the seal to be used shall be in proportion to the size of the flag as follows:

Flag	Size Diameter of State Seal:
3' x 5'	19"
4' x 6'	25"
5' x 8'	31"

In all the other instances, the ratio of the seal diameter to the length of the flag shall be 1:3; and the ratio of the flag height to flag width shall be 1:1.6;

(3) The following color references for textiles are by cable number in the Standard Color Reference of America, Tenth Edition of The Color Association of the United States, Inc., New York, New York

Flag Color	Cable Color (Textile)	Pantone Color (Process CMYK Printing)
Flag Background	Irish Green 80210	PMS DS-268-1
State Seal Back-ground	Oriental Blue 80176	PMS DS-226-3
State Seal (port-trait, lettering, outer and inner rings)	Black	PMS Process Black
State Seal Gold	Spanish Yellow 80068	PMS DS-5-4
Fringe (if any) Gold	Spanish Yellow 80068	PMS DS-5-4
George Washington's Face	Eggshell 80004	PMS DS-5-9

(4) All textile colors shall be of colorfast washable dyes;

(5) The flag may be flown or displayed in its entirety as described herein; the state seal shall not be expropriated from the flag for any other use and such expropriation is regulated by the statutes (chapter 43.04 RCW) and administrative rules (chapter 434-04 WAC) governing the use of the Washington state seal.

[Statutory Authority: RCW 43.04.040 and 34.05.350. 05-15-018, § 434-04-017, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-017, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-020 General permitted uses.** (1) Use of the state seal shall be permitted without the written authorization of the secretary in the following circumstances:

(a) Use and display of the seal by state agencies and state elected officials in connection with official state business. However, no state agency nor state elected official other than the secretary shall have authority to permit a contractor or other entity associated with a state agency or state elected official to use the seal for commercial purposes;

(b) Use of the seal for illustrative purposes by the news media for a publication or broadcast or for a characterization used in a political cartoon;

(c) Use of the seal on the state flag.

(2) Other uses of the seal shall require written authorization from the secretary.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-020, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-030 Permitted uses of the embossed seal.** Use of the embossed seal shall be used only on, unless otherwise provided by statute:

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(1) Sample impressions of the seal provided by the office of the secretary of state;

(2) Official documents which are authorized and/or required by statute;

(3) Other historic, civic, commemorative or educational uses, provided that the secretary's signature appears thereon.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-030, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-040 General prohibitions.** The seal shall never be used:

(1) In any advertising or other promotion for a business, organization, product, article or service, except as provided by license;

(2) In a manner which, in the judgement of the secretary, could mislead the public to believe that a business, organization, product, article or service carries official state sanction or state approval;

(3) In a political campaign to assist or defeat a candidate;

(4) In a manner which is deceptively similar in appearance to the seal;

(5) On wearing apparel including, but not limited to, hats, shirts, sweaters, jackets, shorts, sweatpants and socks, except:

(a) By state agencies and state elected officials in connection with official state business;

(b) As approved by the secretary for civic purposes such as by organizations officially representing the state.

(6) In a manner such that any mark, insignia, letter, word, figure, design, picture, or drawing of any nature is placed upon it or on any part of it;

(7) In any gambling activity except:

(a) When an item is to be used in a raffle which is approved and conducted in accordance with chapter 9.46 RCW and the use is approved under WAC 434-04-040; or

(b) When an item is to be used for official state business.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-040, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-050 Application process.** (1) A person requesting authorization for use of the seal shall supply the following information to the secretary:

(a) A detailed description of the item to be manufactured or displayed including:

(i) A description of the material with which it will be made;

(ii) The manner in which the seal is to be displayed on the item;

(b) A detailed description of proposed use, including: Manner, purpose, and place of use, whether it is primarily an educational item, the manner of distribution of the item and the manner in which the item is to be advertised or promoted;

(c) A sample, photograph, or detailed sketch of the item.

(2) The application fee shall be ten dollars for items to be commercially distributed. The application fee shall be waived for noncommercial uses.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-050, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-060 Approval and denial of use—**

**Applications.** (1) In determining whether to grant authorization for use of the seal, the secretary shall consider the information provided by the applicant and shall apply the following standards:

(a) Whether the appearance of the seal on the product could mislead the public to believe that the product carries official state sanction or approval;

(b) Whether the use of the seal would tend to mislead the public into believing that a person, meeting, project or event carries official state sanction or approval;

(c) Whether the dignity of the seal will be compromised if approval is granted;

(d) Whether the use of the seal is prohibited as otherwise stated in this chapter and in chapter 43.04 RCW.

(2) A written letter of approval or denial from the secretary shall be sent through first-class mail;

(3) Approval shall be in the form of a nontransferable letter of authority. The letter shall set forth, at a minimum, provisions which stipulate:

(a) The limitation on the manufacture, manner of use, display and other employment;

(b) That the seal may not be used or be construed to be operated in any way as an endorsement by the state of Washington;

(c) That the state, in granting authority to use the seal, does not assume any liability in connection with the use of the seal.

(4) As condition to the letter of authority, applicants for commercial use of the seal shall execute a renewable, nonexclusive licensing agreement. Educational uses of the seal which are to be commercially distributed shall not be subject to a licensing agreement.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-060, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-070 Nonexclusive licensing agreement—Contents.** A license agreement issued by authority of this chapter shall contain provisions including, but not limited to, the following:

(1) The agreement shall be nonexclusive;

(2) Any unit manufactured or sold during the term of the agreement shall be subject to a royalty payment. No unit may be sold or manufactured except during the term of the agreement;

(3) The term of the agreement shall be a period of not more than one year, commencing on the day the agreement is executed. At the time the agreement is executed, the applicant shall choose as an ending date either:

(a) One year from the date the agreement is executed; or

(b) The first day of the applicant's next financial year following the date the agreement is executed.

(4) The due date of the royalty payment shall be thirty days after the ending date of the agreement;

(5) At the discretion of the secretary, the royalty shall equal one dollar per unit manufactured or 5% of the gross receipts. The royalty shall accrue and be payable on or before the due date;

(6) The applicant shall provide, prior to commencing distribution, an actual production sample to the secretary;

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(7) The applicant shall have the option to request renewal of the licensing agreement. The license agreement shall contain the procedure for exercising the option to renew;

(8) The secretary shall have the right to inspect production and financial records relating to the use of the seal;

(9) Any guidelines or limitations regarding the advertising or promotion of the item shall be stated.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-070, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-075 Renewal of licensing agreement.**

(1) An applicant may request to renew a licensing agreement without regard to whether the agreement has or has not been previously renewed. A request for renewal shall be in writing and shall be postmarked or received by the secretary on or before the last day of the agreement;

(2) A request for renewal which is received as stipulated by this section shall cause the agreement to be extended for a period of one year, provided that:

(a) The royalty is paid in full on or before the due date; and

(b) No changes in the use or the item occur.

(3) If a request for renewal is not properly submitted and received, the license agreement shall terminate on the last day of the term of the agreement and future use of the seal by the applicant shall be subject to the application process.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-075, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-080 Revocation of use.** The secretary may revoke any approval if the secretary determines that false or inaccurate information was submitted in the application or that any laws, rules, regulations or conditions have been violated.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-080, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-090 Uses exempt from application process.** Uses of the seal which received written authorization from the secretary before September 1, 1989 shall continue to be authorized provided that:

(1) No changes in the use or in the item occur. Any changes must be approved through the application process; and

(2) The use is not commercial.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-090, filed 9/29/89, effective 10/30/89.]

## **Chapter 434-12 WAC TRADEMARKS**

**WAC**

434-12-005	Trademark filing—Fees—Office hours—Location.
434-12-015	Classification of goods and services.
434-12-025	Document and specimen standards for trademark filing.
434-12-190	Intervention.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-12-010 Authority and purpose. [Regulation 1, § 1, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-020 Applicable statute. [Regulation 1, § 2, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-030 Definitions. [Regulation 1, § 3, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-040 Form of papers. [Regulation 1, § 4, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-050 Caption. [Regulation 1, § 5, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-060 Signing papers. [Regulation 1, § 6, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-070 Verification. [Regulation 1, § 7, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-080 Computation of time. [Regulation 1, § 8, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-090 Appearance and practice before secretary. [Regulation 1, § 9, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-100 Service of process. [Regulation 1, § 10, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-110 Joinder, consolidation. [Regulation 1, § 11, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-120 Withdrawal of petition. [Regulation 1, § 12, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-130 Notice of hearing. [Regulation 1, § 13, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-140 Hearing examiner. [Regulation 1, § 14, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-150 Motions. [Regulation 1, § 15, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-160 Discovery. [Regulation 1, § 16, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-170 Subpoenas. [Regulation 1, § 17, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-180 Prehearing conference. [Regulation 1, § 18, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-200 Hearings are public. [Regulation 1, § 20, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-210 Rules of evidence. [Regulation 1, § 21, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-220 Record. [Regulation 1, § 22, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.
- 434-12-230 Form and content of decision. [Regulation 1, § 23, filed 2/15/66.] Repealed by 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

**WAC 434-12-005 Trademark filing—Fees—Office hours—Location.** (1) Trademarks are filed with the corporations division. Please refer to chapter 434-112 WAC for corporations division office hours, location, filing procedures and telephone numbers.

(2) Filing and other fees for trademarks are set forth in WAC 434-112-080 through 434-112-090.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-12-005, filed 1/23/04, effective 2/23/04.]

**WAC 434-12-015 Classification of goods and services.** (1) The corporations division adopts the following table for classification of goods and services:

#### Goods

1. Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.
2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.
3. Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
4. Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.
5. Pharmaceutical, veterinary, and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
6. Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; nonelectric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.
7. Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.
8. Hand tools and implements (hand-operated); cutlery; side arms; razors.
9. Scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus.
10. Surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes, and teeth; orthopedic articles; suture materials.
11. Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.
12. Vehicles; apparatus for locomotion by land, air, or water.

13. Firearms; ammunition and projectiles; explosives; fireworks.
14. Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.
15. Musical instruments.
16. Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.
17. Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
18. Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.
19. Building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments, not of metal.
20. Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.
21. Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.
22. Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.
23. Yarns and threads, for textile use.
24. Textiles and textile goods, not included in other classes; beds and table covers.
25. Clothing, footwear, headgear.
26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.
27. Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (nontextile).
28. Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
29. Meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.
30. Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice.
31. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.
32. Beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.
33. Alcoholic beverages (except beers).
34. Tobacco; smokers' articles; matches.

### Services

35. Advertising; business management; business administration; office functions.
36. Insurance; financial affairs; monetary affairs; real estate affairs.
37. Building construction; repair; installation services.
38. Telecommunications.
39. Transport; packaging and storage of goods; travel arrangement.
40. Treatment of materials.
41. Education; providing of training; entertainment; sporting and cultural activities.
42. Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.
43. Services for providing food and drink; temporary accommodations.
44. Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.
45. Personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

(2) This table is adopted from the schedule for classification of goods and services published by the United States Patent and Trademark Office.

[Statutory Authority: RCW 19.77.115. 04-05-041, § 434-12-015, filed 2/12/04, effective 3/14/04.]

**WAC 434-12-025 Document and specimen standards for trademark filing.** (1) In addition to the requirements of WAC 434-112-040, the following rules apply to trademark filings.

- (a) Specimens submitted in support of a trademark filing must:
- (i) Be of sufficient quality, size and clarity to allow the corporations division to create and maintain an accurate digital image of the specimen; and
  - (ii) Demonstrate that the trademark is in use in commerce; preliminary design artwork is not acceptable.
- (b) Specimens submitted in support of a trademark reservation:
- (i) Must be of sufficient quality, size and clarity to allow the corporations division to create and maintain an accurate digital image of the specimen; and
  - (ii) May be in the form of preliminary design artwork so long as the design clearly describes the trademark to be reserved.

(2) Corporations division staff may reject submissions that do not meet these requirements.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-12-025, filed 1/23/04, effective 2/23/04.]

**WAC 434-12-190 Intervention.** The secretary in his discretion may permit a person other than the petitioner and registrant to intervene in a trademark case.

[Regulation 1, § 19, filed 2/15/66.]

## Chapter 434-12A WAC PUBLIC RECORDS AND RULES OF PROCEDURE

### WAC

434-12A-010	Purpose.
434-12A-020	Definitions.
434-12A-030	Description of the organization of the office of the secretary of state.
434-12A-040	Public records available.
434-12A-050	Office hours.
434-12A-060	Public records officer.
434-12A-070	Protection of public records.
434-12A-080	Records index.
434-12A-090	Requests for public records.
434-12A-100	Inspection and copying.
434-12A-110	Exemptions, deletions, and denials.
434-12A-120	Review of denials of public records request.
434-12A-130	Adoption of standard request form.
434-12A-140	Communications and submissions relating to public records.
434-12A-150	Revolving fund.
434-12A-990	Appendix A—Form—Organization chart.
434-12A-99001	Appendix B—Form—Request for public record.

**WAC 434-12A-010 Purpose.** The purpose of this chapter shall be to provide an official public record of the information required by RCW 42.17.250 to be adopted by the office of the secretary of state.

[Order 74-2, § 434-12A-010, filed 2/19/74.]

**WAC 434-12A-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct or performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films or prints, magnetic or punched cards, discs, drums, and other documents.

[Order 74-2, § 434-12A-020, filed 2/19/74.]

**WAC 434-12A-030 Description of the organization of the office of the secretary of state.** (1) The secretary of state's major activities are to:

(a) Serve as chief election officer under the provisions of RCW 29.04.070;

(b) Register and license all domestic and foreign, profit and nonprofit corporations, and record related filings;

(c) Act as repository for filings required or permitted under the Uniform Commercial Code;

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(d) Register and attest to the official acts of the legislature and the governor;

(e) Affix the state seal and attest to commissions, pardons, and other public instruments to which the signature of the governor is required;

(f) Record conveyances made to the state, certified copies of franchises, or other papers filed in the office;

(g) Receive and file official bonds of those officers required by law to submit them to the secretary of state;

(h) Certify to the legislature all matters required by the law to be certified;

(i) Attest to and authenticate certificates and other documents issued by the secretary of state's office;

(j) Serve as an agent for official communications to the public disclosure commission and provide certain administrative services to that agency.

(2) The offices of the secretary of state and their staff are located at:

(a) Main Administrative Office, Legislative Building, Olympia.

(b) Corporations Division, Legislative Building, Olympia.

(c) Uniform Commercial Code Section, Insurance Building, Olympia.

(d) Elections Division, Insurance Building, Olympia.

(3) The organizational chart, attached hereto as Appendix A, illustrates the general structure and organization of the staff of the secretary of state.

[Order 74-2, § 434-12A-030, filed 2/19/74.]

**WAC 434-12A-040 Public records available.** All public records of the office as defined in WAC 434-12-020(1) [434-12A-020(1)] are deemed to be available for public inspection and copying pursuant to these rules except as provided by RCW 42.17.310 and WAC 434-12-110.

[Order 74-2, § 434-12A-040, filed 2/19/74.]

**WAC 434-12A-050 Office hours.** Public records shall be available for inspection and copying at all divisional offices of the secretary of state during its customary office hours. For the purpose of this chapter, the customary office hours shall be from 8:00 a.m. to noon, and from 1:00 p.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.

[Order 74-2, § 434-12A-050, filed 2/19/74.]

**WAC 434-12A-060 Public records officer.** (1) A public records officer shall be located in each division of the office.

(a) In the main administrative office, the public records officer shall be the administrative assistant or his designee.

(b) In the corporations division the public records officer shall be the corporations supervisor or his designee.

(c) In the elections division the public records officer shall be the elections supervisor or his designee.

(d) In the Uniform Commercial Code section the public records officer shall be the clerical supervisor of the section or his designee.

(2) The public records officers shall be responsible for the implementation of the office rules and regulations regarding release of public records, preparation and mainte-

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nance of the indices to public records of his division or section, and coordination of the staff of the division or section in this regard.

[Order 74-2, § 434-12A-060, filed 2/19/74.]

**WAC 434-12A-070 Protection of public records.** The public records officer shall:

(1) Implement whatever procedures are necessary to assure the retention and integrity of the secretary of state's records.

(2) Establish reasonable measures to provide that the secretary of state's records are not lost, stolen, altered, defaced, or destroyed when such records are made available for inspection and/or copying.

(3) Records of the office of the secretary of state made available for inspection or copying pursuant to these rules, shall not be removed from the divisional offices of the secretary of state.

[Order 74-2, § 434-12A-070, filed 2/19/74.]

**WAC 434-12A-080 Records index.** (1) Index. The secretary of state's office will compile, maintain, and make available to all persons so requesting, a current index which provides identifying information as to the following records issued, adopted, or promulgated after June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretation of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others.

(f) Correspondence and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index, as and when compiled by the office of the secretary of state, shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 74-2, § 434-12A-080, filed 2/19/74.]

**WAC 434-12A-090 Requests for public records.**

Chapter 42.17 RCW requires that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency. Public records may be inspected or copies of public records obtained by the public at each divisional office of the secretary of state upon compliance with the following procedures:

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(1) A request shall be made in writing. A request form, prescribed by the secretary of state, shall be available at each divisional office. The written request or prescribed form shall be submitted or presented to a public records officer, or to any member of the office staff, if a public records officer is not available, at any divisional office of the secretary of state during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the records;

(b) The time of the day, and calendar date, on which the request was received;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index, maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 74-2, § 434-12A-090, filed 2/19/74.]

**WAC 434-12A-100 Inspection and copying.** (1) No fee shall be charged for the personal inspection of public records.

(2) Where an individual requests a copy, or a certified copy, of a document or instrument which is not a public record, as that term is defined by RCW 42.17.020(24) and WAC 434-12-020(1) [434-12A-020(1)], the office of the secretary of state shall charge a fee of:

(a) Fifty cents per page for the first ten pages and twenty-five cents per page thereafter for providing copies of corporation records;

(b) Five dollars per document for certified copies of profit corporation records;

(c) Two dollars plus fifty cents per page for certified copies of nonprofit corporation records;

(d) Four dollars for copies of statements listed to an individual debtor from Uniform Commercial Code records;

(e) Fifty cents per page for the first ten pages, and twenty-five cents per page for each additional page for a copy of any law, resolution, record or other document filed in the office of the secretary of state.

(3) Where an individual requests a copy of a document or record which is a public record, as that term is defined by RCW 42.17.020(24) and WAC 434-12-020(1) [434-12A-020(1)], and which has been filed with the office of the secretary of state pursuant to a specific statutory requirement to file such documents, the office of the secretary of state shall charge fifty cents per page for the first ten pages and twenty-five cents per page for each additional page of such document or record.

(4) Where an individual requests a copy of a document or record which is a public record, as that term is defined by RCW 42.17.020(24) and WAC 434-12-020(1) [434-12A-020(1)] but which has not been filed with the office of the

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secretary of state pursuant to a specific statutory requirement to file such documents, the office of the secretary of state shall charge a fee of ten cents per page for each page of such document or record. This charge is intended to reimburse the office of the secretary of state for a portion of the actual costs of copying, but not to exceed such actual costs.

(5) Where an individual requests to personally make a copy of a document or record referred to in subsection (3) or (4) of this section and the public records officer determines that this would not result in excessive interference with other essential functions of the agency, the charge shall be equal to the amount necessary to reimburse the office of the secretary of state for its actual costs incidental to such copying as determined by the public records officer of that section or division.

[Order 74-2, § 434-12A-100, filed 2/19/74.]

**WAC 434-12A-110 Exemptions, deletions, and denials.** (1) The secretary of state reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 434-12-090 [434-12A-090] is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260 the secretary of state reserves the right to delete identifying details when he makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW.

(3) All denials of requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 74-2, § 434-12A-110, filed 2/19/74.]

**WAC 434-12A-120 Review of denials of public records request.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by so indicating in the space provided for this purpose on the standard request form adopted by WAC 434-12-130 [434-12A-130] or by tendering a written request for review. The request for review shall specifically refer to, or be accompanied by, a copy of the written statement by the public records officer, or other staff member, which constituted or accompanied the denial.

(2) Immediately after receiving a request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the secretary of state, or in his absence, a designee of the secretary of state. The secretary of state or designee, as the case may be, shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the secretary of state or his designee has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs.

[Order 74-2, § 434-12A-120, filed 2/19/74.]

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**WAC 434-12A-130 Adoption of standard request form.** The office of the secretary of state hereby adopts the form attached hereto as Appendix B, entitled "Request for public record," which may be used by persons, requesting inspection and/or copying or copies of its records, where other forms are not already provided or in use.

[Order 74-2, § 434-12A-130, filed 2/19/74.]

**WAC 434-12A-140 Communications and submissions relating to public records.** All communications with the office including, but not limited to, the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules shall be addressed as follows: Office of the Secretary of State, Legislative Building, Olympia, Washington 98504.

[Order 74-2, § 434-12A-140, filed 2/19/74.]

**WAC 434-12A-150 Revolving fund.** Pursuant to RCW 43.07.130, and subject to the current availability of such materials, the office of the secretary of state will supply any of the following items of printed matter to the public for a charge equal to the costs of printing, reprinting, and distributing such printed matter:

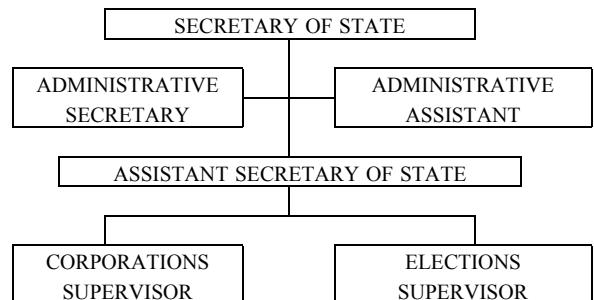
- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23A RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of Title 29 RCW;
- (6) The provisions of Title 62A RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;
- (10) The provisions of the Washington state constitution;
- (11) The provisions of initiative measure 276 and rules and regulations adopted by the public disclosure commission; and
- (12) Rules and regulations related to the statutory provisions set forth above.

Upon request, any person may receive a list of such printed matter currently available, the cost of each such item of printed matter, and instructions for ordering one or more items. The revenue derived in this manner shall be placed in the secretary of state's revolving fund.

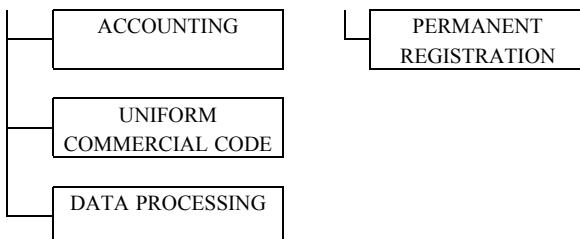
[Order 74-2, § 434-12A-150, filed 2/19/74.]

**WAC 434-12A-990 Appendix A—Form—Organization chart.**

(APPENDIX A)



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[Order 74-2, Appendix A (codified as WAC 434-12A-990), filed 2/19/74.]

### **WAC 434-12A-99001 Appendix B—Form—Request for public record.**

#### OFFICE OF THE SECRETARY OF STATE REQUEST FOR PUBLIC RECORD

DATE: ..... TIME: .....

NAME: .....

ADDRESS: .....

DESCRIPTION OF RECORD(S) REQUESTED: .....

I certify that the information obtained through this request for public records will not be used for commercial purposes.

INITIALS OF PRO FOR OFFICE USE ONLY	SIGNATURE
Number of pages .....	REQUEST FOR REVIEW OF EXEMPTION, DELETION OR DENIAL
Number of copies .....	I hereby appeal for a review of the denial of this request for access to or copies of public records. I have attached a copy of the written denial furnished to me by this office.
Per copy charge \$ .....	DATE: .....
TOTAL CHARGE \$ .....	SIGNATURE
<input type="checkbox"/> Request granted <input type="checkbox"/> Request granted with exceptions or deletions noted below  <input type="checkbox"/> Request denied	

[Order 74-2, Appendix B (codified as WAC 434-12A-99001), filed 2/19/74.]

### **Chapter 434-55 WAC LIMITED PARTNERSHIP FILINGS— CENTRALIZED SYSTEM**

#### **WAC**

434-55-010	Purpose and authority.
434-55-015	Official address and telephone number.
434-55-016	Office hours.
434-55-040	Original signature required.
434-55-050	Name reservation or registration.
434-55-055	Pre-October 1, 1982, limited partnership filings.
434-55-060	Document filing fees—Limited partnerships.
434-55-065	In-person or expedited counter service—Special fees.
434-55-066	Miscellaneous charges—Special service fees.
434-55-070	Telephone services.
434-55-080	Registered office address—Requirements.

#### **DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

434-55-020	Domestic limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 - 25.10.610,
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1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-020, filed 10/6/82.] Repealed by 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.

434-55-030 Filing domestic limited partnerships—Optional index sheet. [Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-030, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-030, filed 10/6/82.] Repealed by 94-19-003, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapter 25.10 RCW.

434-55-035 Foreign (out-of-state) limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-035, filed 10/6/82.] Repealed by 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.

**WAC 434-55-010 Purpose and authority.** These regulations are adopted pursuant to RCW 25.10.600 - 25.10.610 and chapter 55, Laws of 1987, to implement a centralized system for limited partnership filings at the office of the secretary of state.

[Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-010, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-010, filed 10/6/82.]

**WAC 434-55-015 Official address and telephone number.** (1) Effective October 1, 1982, limited partnership filings under chapter 25.10 RCW are to be made at the Corporations Division of the Office of the Secretary of State, Olympia, Washington, rather than at the offices of the respective county clerks.

(2) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(3) In-person transactions may be made at the Corporations Division, 801 Capitol Way S, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(4) The telephone number is (360) 753-7115 or (360) 753-7120. Callers will hear a menu system of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

[Statutory Authority: Chapters 25.15, 43.07 RCW. 00-21-083, § 434-55-015, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-015, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-015, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-015, filed 10/6/82.]

**WAC 434-55-016 Office hours.** (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday except holidays. Over-the-counter service is available to provide same day service for individuals requests brought in before 4:30 p.m. and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

(3) Certain expedited or over-the-counter services are subject to the special service fees established elsewhere in these regulations.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-016, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-016, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-016, filed 10/6/82.]

**WAC 434-55-040 Original signature required.** (1) At any time that the statute requires a limited partnership document filing with the secretary of state to be in duplicate form, the secretary of state will accept the following:

- (a) Two original copies, each with original signatures; or
- (b) One original with original signatures and a true and correct photocopy thereof.

In the case of duplicate originals submitted with only one original and one copy thereof, the secretary of state will retain as its official file copy the certificate or document with original signatures and will return to the limited partnership for its records the document version bearing copied signatures. If the entity provides only the original copy, the division may charge a photocopy fee to make an exact copy.

(2) All documents presented to the secretary of state for filing under the Limited Partnership Act shall be of no larger size than standard legal paper (8-1/2 x 14). The materials shall be submitted in form and quality which is suitable for future microfilming or reproduction by a similar photographic process. The secretary of state will not accept documents for filing which are not typed, or with illegible text.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-040, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-040, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-040, filed 10/6/82.]

**WAC 434-55-050 Name reservation or registration.** A name for a limited partnership may be reserved by filing an application therefor and paying the applicable fee. The applicant may use the secretary of state's regular form for reservation of name, or may submit a written request. A written request must identify the name desired, the fact that it is requested for a limited partnership, the entity for which the name is to be reserved, the agent making the request and his/its address, and must be signed by the agent, partner or other authorized representative of the limited partnership.

In view of the increasing competition for business names, persons making name reservation requests are advised to submit up to three prioritized names per request. The secretary of state will review the names requested in order of priority indicated and will reserve the available name of highest priority. If no name reservation can be accepted, the reservation fee is returned to the requestor.

[Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-050, filed 10/6/82.]

**WAC 434-55-055 Pre-October 1, 1982, limited partnership filings.** (1) Except as otherwise provided by law or these regulations, limited partnership filings originally made at the respective county clerks' offices before October 1, 1982, shall be deemed to be filings at the secretary of state's

office, and shall continue in full force and effect as when previously filed at the respective county clerks' offices.

(2) Pre-October 1, 1982, conflicts between limited partnership names in the separate 39 counties' files, between filings in the same county, and between pre-October 1, 1982, limited partnership filings and active corporation filings since 1889 render a satisfactory integration of pre-October 1, 1982, limited partnership filings into the corporate name protection system impossible. Except as provided below, the secretary of state will therefore not consider or research the name of any pre-October 1, 1982, limited partnership in determining whether a proposed name for a post-October 1, 1982, limited partnership is acceptable under RCW 25.10.020. The post-October 1, 1982, name will be checked as against other post-October limited partnership names and the names of active profit and nonprofit corporations and limited liability companies filed, registered or reserved at the office of the secretary of state.

Nothing in this section is intended to limit any judicial remedies which may be available to a pre-October 1, 1982, limited partnership for protection of its business name. In addition, if the probable existence of a name conflict between (a) a specific pre-October 1, 1982, limited partnership, and (b) a post-October 1, 1982, limited partnership filing that would have been filed in that same county if the centralized system had not been established, is brought to the attention of the secretary of state, the secretary of state may determine that an unacceptable conflict exists and/or would be perpetuated if the proposed name of the post-October 1, 1982, limited partnership were accepted. Under those circumstances, the secretary of state may refuse to accept the proposed name without modification, or without consent of the existing pre-October 1, 1982, limited partnership, sufficient to comply with RCW 25.10.020.

(3) Pre-October 1, 1982, limited partnerships are not prohibited from "refiling" under chapter 25.10 RCW. Such optional "refiling" is accomplished by submitting a regular certificate/application as outlined in chapter 25.10 RCW. However, a "refiling" limited partnership is not guaranteed the use of its pre-October 1, 1982, name.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-055, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-055, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-055, filed 10/6/82.]

**WAC 434-55-060 Document filing fees—Limited partnerships.** The following fees are due and must be submitted concurrently with the limited partnership documents presented to the secretary of state for filing under the Washington Uniform Limited Partnership Act:

(1) Filing of a certificate of limited partnership for a domestic limited partnership: One hundred seventy-five dollars.

(2) Filing an application for registration of a foreign limited partnership: One hundred seventy-five dollars.

(3) Dissolution or cancellation by judicial decree: No charge.

(4) Filing of a certificate of cancellation for a domestic or foreign limited partnership: No charge.

(5) Filing of a certificate of amendment for a domestic or foreign limited partnership: Twenty-five dollars.

(6) Filing a certificate of restatement: Thirty dollars.

(7) Filing an application to reserve or transfer a limited partnership name: Ten dollars.

(8) Application for reinstatement: One hundred dollars plus all delinquent fees and a twenty-five percent penalty computed on total amount.

(9) Articles of merger: Twenty dollars for each listed company.

(10) Agent's consent to act as agent or agent's resignation if appointed without consent: No charge.

(11) Filing any other statement or report required by the Limited Partnership Act: Ten dollars.

(12) For certified copies of any document the fee is five dollars plus a photocopy fee of twenty cents for each additional page.

(13) For certificates of existence the fee is ten dollars per certificate.

(14) For photocopies fees are as follows:

(a) Certificate of limited partnership, five dollars;

(b) Any single document, other than a certificate of limited partnership, one dollar plus twenty cents for each additional page;

(c) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).

(15) Service of process on the office of the secretary of state as agent of a limited partnership: Fifty dollars.

[Statutory Authority: RCW 25.10.600, 25.10.610, 23B.01.220 and 43.07.120. 99-12-008, § 434-55-060, filed 5/20/99, effective 6/20/99. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-060, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-060, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-060, filed 10/6/82.]

**WAC 434-55-065 In-person or expedited counter service—Special fees.** (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 3:30 p.m. on that day. These services are available for the following transactions:

(a) Charter document review and filing;

(b) Name reservation review and filing;

(c) Document certification;

(d) Document copying and status certificates;

(e) Status change filings;

(f) Service of process;

(g) International student exchange agency registration.

(2) The fee for same-day service is ten dollars for single or multiple transactions within each new or existing limited partnership file or each new or existing limited liability partnership file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

(a) Reinstatements;

(b) In-person inspection or review of limited partnership files or other public documents located in the corporations division office;

(c) Documents left at the counter for processing with mail-in documents received the same day; or

(d) A search for nonactive limited partnership files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 25.10.600, 25.10.610, 23B.01.220 and 43.07.120. 99-12-008, § 434-55-065, filed 5/20/99, effective 6/20/99. Statutory Authority: RCW 43.07.120. 95-16-130, § 434-55-065, filed 8/2/95, effective 9/2/95. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-065, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-065, filed 10/6/82.]

**WAC 434-55-066 Miscellaneous charges—Special service fees.** Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-066, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-066, filed 10/6/82.]

**WAC 434-55-070 Telephone services.** The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited partnerships and on filing a new limited partnership immediately available at this number includes the following:

(1) Exact name of limited partnership on file in the secretary of state's records;

(2) Unified business identifier (UBI) number;

- (3) Date filed on the secretary of state's records;
- (4) Name of registered agent;
- (5) Registered office address;
- (6) Status of limited partnership;
- (7) Name of general partner(s);
- (8) State of registration;
- (9) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-070, filed 9/8/94, effective 10/9/94.]

#### **WAC 434-55-080 Registered office address—**

**Requirements.** A post office box address may be used in conjunction with a registered geographic office address when:

- (1) The United States Postal Service cannot or will not deliver to the street address; and
- (2) The post office box address is in the same Washington city or town as the registered office address; and
- (3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-080, filed 9/8/94, effective 10/9/94.]

### **Chapter 434-110 WAC**

### **CORPORATION FILING PROCEDURES AND SPECIAL FEES**

#### **WAC**

434-110-010	Purpose.
434-110-020	Office address.
434-110-030	Office hours.
434-110-040	Telephone services.
434-110-050	Mail-in service.
434-110-060	In-person or expedited service—Special fees.
434-110-075	Miscellaneous fees.
434-110-100	Registered office address—Requirements.
434-110-120	Initial and annual reports—Form of content.
434-110-130	Annual reports—Due date for all nonprofit corporations.
434-110-140	Inactive profit domestic corporations—Proof.

#### **DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

434-110-070	Fees. [Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-070, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-070, filed 10/1/93, effective 11/1/93.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.-170.
434-110-080	Fee prepayment—When required. [Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-080, filed 10/1/93, effective 11/1/93.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.-170.
434-110-090	Original signature requirement—Original retained. [Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-090, filed 10/1/93, effective 11/1/93.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007,

[24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170.

**WAC 434-110-010 Purpose.** These rules establish procedures and fee schedules for filings, for expedited and telephone services, and for access to public records in the corporations division of the office of the secretary of state. These rules are adopted pursuant to Titles 23, 23B, 24, and 46 RCW, and chapters 19.77 and 43.07 RCW.

[Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-010, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-010, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-020 Office address.** (1) The mailing address is: Corporations Division, Office of the Secretary of State, Post Office Box 40234, Olympia, Washington 98504-0234.

(2) The offices of the corporations division are located at the James M. Dolliver Building, 801 Capitol Way S., Olympia, Washington.

[Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. 00-21-084, § 434-110-020, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-020, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-030 Office hours.** (1) Business office hours are from 8:00 a.m. to 5:00 p.m. daily, Monday through Friday, excluding legal holidays. Walk-in, counter services are available for an expedited fee specified in WAC 434-110-060. Emergency counter service at other times is available under terms of WAC 434-110-060 (5)(b).

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

[Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. 00-21-084, § 434-110-030, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-030, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-040 Telephone services.** (1) The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Information on active corporations and on filing a new corporation immediately available at this number includes the following:

(a) Exact name of corporation on file in the secretary of state's records;

(b) Whether the corporation is for profit or nonprofit;

(c) Unified business identifier (UBI) number;

(d) Expiration date of corporate license;

(e) Whether the corporation is designated a public benefits corporation;

(f) Name of registered agent;

(g) Registered office address;

(h) Incorporation date of Washington firm;

(i) Qualification to-do-business-in-Washington date for foreign corporation;

- (j) Filing date of most recent annual report;
- (k) Status of corporation;
- (m) Requirements for renewal or filing annual reports; and
- (n) Filing requirements for new corporations.

Customers may also request that forms be mailed to them by using the menu system.

(2) When customers request information requiring a file search, such as names of the board of directors and officers, the information officer will provide the information by return call.

(3) A customer may request a copy of the most recent annual report including a list of officers and directors by calling the annual report line on (360) 753-7115. While there is no copy fee for these telephone requests, the sum of four dollars to cover postage and handling should be mailed to the Corporations Division, Office of Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(4) Name reservations cannot be made by telephone. An information operator will respond to a name search request with a review of the existing computer data base only.

(5) The telephone number for information about charitable trusts or charitable organizations is (360) 753-7118. Persons calling within Washington may call 1-800-332-GIVE (1-800-332-4483).

[Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. 00-21-084, § 434-110-040, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-040, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-050 Mail-in service.** (1) Expedited services for mail-in requests are available for an expedited fee specified in WAC 434-110-060.

(2) All mailed-in documents are processed and filed in order of date of receipt unless incomplete or incorrect. At the customer's request, a staff member will call (collect) to confirm the filing date of a document. A specific filing date may be reserved for up to thirty days in advance. The necessary documents, in appropriate format with correct fees, must be in the office by the specified date. Requests for information in a nonactive or archived file, will be processed on a time-available basis.

(3) Requests for name searches coupled with a name reservation are completed in order of date received. A name reservation may be made by completing the form provided by the corporations division or in a letter clearly containing all the following information:

- (a) The corporate name desired, with two alternate names;
- (b) The name, address, and telephone number of the applicant;
- (c) The signature of the applicant; and
- (d) The application date.

An application on behalf of a client should also include the client's name and complete address.

[Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. 00-21-084, § 434-110-050, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-050, filed 10/1/93, effective 11/1/93.]

#### **WAC 434-110-060 In-person or expedited service—Special fees.**

(1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying or status certificates;
- (e) Status change filings; and
- (f) Trademark filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

(3) All documents submitted for filing via facsimile transmission are treated as expedited processing requests. Documents transmitted via facsimile will receive expedited forty-eight hour processing when the documents are received between 8:00 a.m. and 5:00 p.m. each business day. The fee for facsimile filings is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

(4) There is no expedited fee for the following transactions, unless they are submitted via facsimile transmission as set forth under subsection (3) of this section:

- (a) Registered agent or address change;
- (b) Initial reports;
- (c) License renewal and required annual report;
- (d) Amended annual reports;
- (e) Reinstatements;

(f) In-person inspection or review of corporation files or other public documents located in the corporations division office;

(g) Documents left at the counter for processing with mail-in documents received the same day; or

(h) A search for nonactive corporations less than twenty years old or trademark files less than six years old.

A request for search of nonactive corporation files more than twenty years old or trademark files more than six years old should be made directly to the archives division of the office of the secretary of state.

(5)(a) If staff cannot complete the expedited service request before the end of the same day, or the second consecutive business day for facsimile filings, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(6) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or

document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the Secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: 1998 c 38 and RCW 43.07.120. 98-17-075, § 434-110-060, filed 8/18/98, effective 9/18/98. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-060, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-060, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-075 Miscellaneous fees.** (1) For photocopies, fees are as follows:

- (a) Each annual report, five dollars;
- (b) Application for registration or any single document, ten dollars;
- (c) Application and amended notices, twenty dollars;
- (d) Copy of annual notice, five dollars;
- (e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

- (a) With complete historical data, under embossed seal, thirty dollars;
- (b) Computer generated, under embossed seal, twenty dollars;
- (c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For verifying the signature of a notary or public official for an apostille or certification authenticating a sworn document, the fee is ten dollars in addition to the fee for the apostille or certificate under RCW 43.07.120 (1)(b).

(4) For each certified copy of any document the fee is ten dollars plus a ten-dollar copy fee per document.

(5) For any service of process the fee is fifty dollars.

(6) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five-dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

[Statutory Authority: RCW 43.07.120. 95-16-130, § 434-110-075, filed 8/2/95, effective 9/2/95. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-075, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapters 34.05 and 43.07 RCW, Titles b, 24 and 46 RCW and 1993 c 269. 94-01-074, § 434-110-075, filed 12/9/93, effective 1/10/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-075, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-100 Registered office address—Requirements.** (1) A post office box address may be used in addition to a registered geographic office address when the

United States Postal Service cannot or will not deliver to the street address.

(2) The registered agent is required to notify the office of the secretary of state and the corporation of any changes in either the street address or the post office box address. Change of address is subject to the fee stated in WAC 434-112-085 (1)(j).

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-110-100, filed 1/23/04, effective 2/23/04. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-100, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-120 Initial and annual reports—Form of content.**

(1) Any corporation filing under the Washington Business Corporations Act shall file its initial (annual) report on the form provided by the secretary of state or shall clearly and concisely provide the information topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation, and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. Address of principal place of business in Washington or, if a foreign corporation, the principal office address in state of original incorporation, the corporation telephone number, and a brief statement of nature of business;

(d) Section 4. A list of names and addresses of all corporate officers and directors; and

(e) Section 5. Signature of either the chair or president of the board of directors or an officer listed within the report.

(2) All profit and nonprofit corporations shall file their annual reports on the form prescribed by the secretary of state or clearly and concisely topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. A list of names and addresses of all corporate officers and directors; and

(d) Section 4. The signature of either the chair or president of the board of directors or an officer listed within the report.

All annual reports must be accompanied by the statutory fee in RCW 23B.01.530 or 24.03.450 (1)(b).

[Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-120, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-120, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-130 Annual reports—Due date for all nonprofit corporations.** Beginning in January 1994, and for every year thereafter, each nonprofit corporation shall file its annual report on the last day of the month of its original registration as a corporation. The fee paid to file the 1993 annual report or for filing new articles of incorporation in 1993 shall be sufficient to maintain an organization's good standing until its 1994 renewal date comes due. The corporations division shall notify all nonprofit corporations of this change in renewal dates by mail sent on December 15, 1993. Thereafter, beginning in January of 1994, the division shall notify each nonprofit corporation of its annual renewal date forty-five days in advance by a mailing that includes the annual report form. Failure to receive an annual report notice is insufficient reason for failing to file the statutorily required annual report.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-130, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-140 Inactive profit domestic corporations—Proof.** (1) Any corporation wishing to claim inactive status as described in RCW 23B.01.530 shall file a statement with the corporations division by the annual license renewal date. The statement shall include the following information: (a) That the corporation has not received any revenue and had not been doing business during the preceding licensed year; and (b) That the corporation has no intent of engaging in business during the coming license year. If the status changes during the license year, the corporation shall notify the corporations division immediately and pay the full annual license fee.

(2) A corporation claiming this statutory exemption to the full annual license fee shall file an annual report concurrently with the statement described in subsection (1) of this section and with the annual reduced license fee. Failure to file the reason for exemption statement, annual report, and fee shall result in administrative dissolution.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-140, filed 10/1/93, effective 11/1/93.]

## Chapter 434-112 WAC

### CORPORATIONS DIVISION AND CHARITIES PROGRAM SERVICES

#### WAC

434-112-010	Services provided by the corporations division and charities program.
434-112-020	Corporations division address, telephone number and office hours.
434-112-025	Documents delivered after normal working hours.
434-112-030	Certificates for business filings.
434-112-040	Document standards for filings—Cover sheet requirement and document quality.
434-112-045	Requests for information or fees.
434-112-050	Duplicate originals not required.
434-112-065	On-line filing—Consent of registered agent.
434-112-070	On-line filing—Application for certificate of authority—Certificate of good standing.
434-112-075	On-line services.
434-112-080	In-person or expedited service—Special fees.
434-112-085	Fees and penalties.
434-112-090	Miscellaneous fees.
434-112-095	Fee prepayment—When required.

**WAC 434-112-010 Services provided by the corporations division and charities program.** (1) The corporations division includes the corporations program and the charities program.

(2) The corporations program provides the following services:

(a) Business filings under chapters 18.100, 23.78, 23.86, 23.90 RCW, and Titles 23B and 25 RCW;

(b) Nonprofit organization filings under Title 24 RCW;

(c) Trademark registration under chapter 19.77 RCW;

(d) Certification authority licensing under chapter 19.34 RCW, the Electronic Authentication Act;

(e) Registration of international student exchange programs under chapter 19.166 RCW;

(f) Registration under the Immigration Assistant Practices Act, chapter 19.154 RCW;

(g) Apostilles under RCW 42.44.180;

(h) Agent for service of process on motorists under RCW 46.64.040;

(i) Agent for service of process for those entities and under those circumstances listed in subsection (2)(a), (b), and (c) of this section.

(3) The charities program provides the following services:

(a) Registrations under the Charitable Solicitations Act, chapter 19.09 RCW including:

(i) Charitable organizations;

(ii) Commercial fund-raisers; and

(iii) Fund-raising contracts;

(b) Registration of charitable trusts under chapter 11.110 RCW;

(c) Publication of the trust directory; and

(d) Agent for service of process for those entities and under those circumstances listed in subsection (3)(a) and (b) of this section.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-010, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-020 Corporations division address, telephone number and office hours.** (1) The mailing address of the corporations division is: P.O. Box 40234-0234, Olympia, Washington 98504-40234.

(2) The corporations division is located in the James M. Dolliver Building at 801 Capitol Way South, Olympia, Washington.

(3) The telephone numbers for corporations division services are 360-753-7115 and 360-753-7120. The TDD line is 360-753-1485. Telephone services are available from 8:00 a.m. to 5:00 p.m. Pacific time, Monday through Friday, except for state holidays.

(4) The telephone number for charities program services is 360-753-0863. The toll free number in Washington is 1-800-332-GIVE (1-800-332-4483). The TDD number for the charities program is 1-888-658-1485. Telephone services are available from 8:00 a.m. to 5:00 p.m. Pacific time, Monday through Friday, except for state holidays.

(5) The corporations division counter is open for corporations and charities program services to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. The corporations division is unable to guarantee same day processing of

any filing or request submitted after 4:30 p.m. on that day. See WAC 434-112-080 for fees and regulations related to expedited processing.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-020, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-025 Documents delivered after normal working hours.** (1) Documents, including substitute service of process on the secretary of state, delivered after the normal working hours will be deemed to be received on the next working day.

(2) Filings submitted on-line will be deemed to be received as of the date and time the corporations division computer system records the complete submission and credit card approval for the transaction.

(3) The secretary assumes no responsibility for any form of delivery other than that:

(a) Received personally by an employee of the office of the secretary of state; or

(b) Received by the corporations division computer system as a result of an on-line filing.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-025, filed 1/23/04, effective 2/23/04.]

#### **WAC 434-112-030 Certificates for business filings.**

(1) Certificates issued by the secretary of state or the secretary's designee in furtherance of duties under Titles 18, 19, 23, 23B, 24 and 25 RCW shall:

(a) Bear a rendition of the Washington state seal;

(b) Bear a mechanical or electronic reproduction of the secretary's signature; and

(c) Be regarded as the secretary of state's official certification of the matters itemized in the certificate.

(2) The secretary may make commemorative certificates available. When such certificates are available, any person or entity completing a filing under the authority listed in WAC 434-112-010 (2)(a) through (d) may purchase a commemorative certificate bearing a gold foil seal documenting the filing.

(a) The cost for a commemorative certificate is one hundred dollars;

(b) Expedited service is not available for commemorative certificates.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-030, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-040 Document standards for filings—Cover sheet requirement and document quality.** (1) A completed contact information cover sheet shall be submitted with each filing with the corporations division or the charities program if:

(a) The filing party is not the registered agent and would like the completed filing returned to them directly;

(b) The filing party would like expedited service under WAC 434-112-080; or

(c) The filing party would like correspondence related to a charities program filing sent to an individual at an address other than the mailing address of record.

(2) The cover sheet will include contact telephone and address information related to the filing, and provide an opportunity to advise the corporations division whether the request is for expedited service and designate the address to which the corporations division is to return the completed request.

(3) All corporations related filings received without a contact information cover sheet will be returned to the registered agent for the entity when processing is complete.

(4) Correspondence pertaining to a charities program filing received without a contact information cover sheet will be sent to the entity's mailing address of record when processing is complete.

(5) The corporations division including the charities program may reject and return documents and copies that are not legible or not capable of being recorded as an image with adequate resolution and clarity.

(a) Paper and ink must be of weight and color capable of producing a legible image regardless of the system used by the corporations division for creating the image.

(b) Documents completed in pencil will not be accepted for filing.

(c) All filings except on-line filings must be submitted on 8 1/2 x 11 paper.

(d) All text must be written or printed in eight point type or larger.

(6) All filings not presented on forms provided by the office of the secretary of state must have a three-inch top margin on page one, with one-inch side and bottom margins. Pages after page one must have a one-inch margin on the top, bottom and sides.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-040, filed 1/23/04, effective 2/23/04.]

#### **WAC 434-112-045 Requests for information or fees.**

(1) The corporations division and the charities program may pend action on documents submitted for filing that are unacceptable for filing by reason of incomplete information or insufficient fees, pending provision of the required information and fees.

(2) Additional information or payment may be requested by telephone, fax, e-mail or letter.

(3) The corporations division and the charities program may pend action for up to thirty days to await additional information or funds needed to complete the filing. This time may extend to forty-five days if the filing party is making good faith efforts to complete the filing.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-045, filed 1/23/04, effective 2/23/04.]

#### **WAC 434-112-050 Duplicate originals not required.**

(1) Persons submitting business filings under chapter 18.100, 19.77 or Titles 23, 23B, 24 and 25 RCW shall submit one original copy of the document submitted for filing.

(2) Subsection (1) of this section does not apply to:

(a) Filings completed on-line;

(b) Summons and complaints; and

(c) Specimens provided in support of a trademark filing.

(3) The corporations division will retain a digital image of the record submitted for filing, and on completion of the filing will return to the filer a copy of the digital image bearing a filing endorsement.

(4) The corporations division may return the completed filing via e-mail or other electronic means if the filer indicates that an electronic response is acceptable.

(5) The corporations division may reject and return documents and copies that are not legible or not capable of being recorded as a digital image with adequate resolution and clarity.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-050, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-065 On-line filing—Consent of registered agent.** (1) When completing and submitting an on-line filing for any entity required by Washington law to appoint a registered agent the filing party shall affirm under oath that they have obtained and have in their possession the signed, written consent of the person appointed as registered agent.

(2) When the person submitting the filing is the person appointed as registered agent, they are not required to obtain separate written consent.

(3) Submitting a false affirmation is punishable as a gross misdemeanor under RCW 43.07.210.

(4) The corporation or other entity required to maintain a registered agent must:

(a) Retain the original of the registered agent's signed consent;

(b) Make the original of the registered agent's signed consent available for inspection on request; and

(c) Submit the original to the corporations division or the office of the attorney general within ten business days upon demand.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-065, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-070 On-line filing—Application for certificate of authority—Certificate of good standing.** (1) When a foreign corporation or limited liability company submits an on-line application for certificate of authority under RCW 23B.15.030, 24.03.325, or an on-line registration under RCW 25.15.315, the filing party may meet the statutory requirement for submitting a certificate of good standing or a certificate of existence by submitting a digital image of a certificate of good standing or certificate of existence meeting the requirements of the statute.

(2) The image must be in a format specified as acceptable on the on-line filing web site.

(3) The certificate of good standing must meet the requirements of chapters 23B.15 or 25.15 RCW for certificates of authority submitted in support of an application for certificate of authority.

(4) The corporation or limited liability company must:

(a) Retain the original certificate of good standing;

(b) Make the original certificate of good standing available for inspection on request; and

(c) Submit the original to the corporations division or the office of the attorney general within ten business days upon demand.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-070, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-075 On-line services.** (1) The corporations division web site is located at [www.secstate.wa.gov/](http://www.secstate.wa.gov/). The web site provides a variety of services for charities and corporations including on-line lookup, on-line filing and downloadable forms. Please see the web site for the most up to date list of services available.

(2) The following business entities may pay their annual license fees and submit their annual reports on-line, provided they meet the requirements of this subsection:

(a) Domestic or foreign profit corporations organized under Title 23B RCW, including professional service corporations under chapter 18.100 RCW; and Massachusetts trusts under chapter 23.90 RCW.

(b) Foreign and domestic limited liability companies registered or formed under chapter 25.15 RCW, including limited liability companies formed under RCW 25.15.045 to provide professional services.

(3) Entities filing annual reports on-line must have twenty-five or fewer board members, officers, shareholders, members or managers to report.

(4) On-line filings for foreign and domestic corporations, foreign and domestic limited liability companies, and registrations under the charities programs:

(a) Will be processed as expedited filings under WAC 434-112-065;

(b) Will be subject to the expedited processing fee set forth in WAC 434-112-065; and

(c) Be treated as received when the corporations division system records receipt of the completed transaction including payment authorization.

(5) When submitting an on-line filing, the person completing the filing shall sign the application by: Typing their full name in the space provided on the web form; stating their capacity with the entity addressed in the filing; and following the directions for signing the web form.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-075, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-080 In-person or expedited service—Special fees.** (1) The corporations division counter is open for corporations and charities program services to in-person requests from 8:00 a.m. to 5:00 p.m. each business day.

(a) Staff provides expedited, same-day processing of documents or requests submitted in person prior to 4:30 p.m. on that day. The corporations division is unable to guarantee same day processing of any filing or request submitted after 4:30 p.m. on that day.

(b) Expedited requests submitted by fax, mail or on-line will be completed within two working days of submission, or as soon thereafter as possible.

(2) Expedited services under this section are available for the following transactions:

(a) Business filing transactions:

- (i) Charter document review and filing;
  - (ii) Name reservation review and filing;
  - (iii) Document certification;
  - (iv) Document copying or status certificates;
  - (v) Status change filings;
  - (vi) Reinstatements; and
  - (vii) Trademark filings.
- (b) Charities program filings:
- (i) Document review and filing including initial registration and renewals of charities, commercial fund-raisers and charitable trusts;
  - (ii) Document copying and status verification letters;
  - (iii) Status change filings.
- (c) Apostille requests submitted at the corporations division counter.
- (3) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing corporation program file, or charities program file. In addition, the filing fee for each transaction will apply.
- (4) Except for on-line filings, the filing party shall indicate that expedited processing is requested by:
- (a) Submitting a completed contact information cover sheet as described by WAC 434-112-040 indicating that the document is submitted for expedited filing; or
  - (b) Placing the word "expedite" conspicuously on either the face of the document to be filed, or on any cover letter submitted with the document.
- (5) All documents submitted for filing on-line and corporations documents submitted via facsimile transmission are treated as expedited processing requests. Registrations with the charities program may not be submitted by facsimile. Documents transmitted via facsimile will receive expedited forty-eight hour processing when the documents are received between 8:00 a.m. and 5:00 p.m. Pacific time each business day. The fee for facsimile filings is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, the filing fee for each transaction will apply.
- (6) There is no expedited fee for the following transactions, unless they are submitted via facsimile transmission as set forth under subsection (3) of this section:
- (a) Registered agent or address change;
  - (b) Initial reports;
  - (c) License renewal and required annual report;
  - (d) Amended annual reports;
  - (e) In-person inspection or review of corporation files or other public documents located in the corporations division office;
  - (f) Documents left at the counter for processing with mail-in documents received the same day; or
  - (g) A search for nonactive corporations less than twenty years old or trademark files less than six years old.
- (7) If staff cannot complete the expedited service request before the end of the same day, or the second consecutive business day for facsimile filings, the transaction will be completed on the following business day.
- (8) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any

other reasonable conditions set by the director. The customer must agree to pay the fees or have received a fee waiver before emergency services are provided.

(9) Service may be limited under extraordinary circumstances.

(a) Over-the-counter service hours may be shortened under extraordinary circumstances.

(b) Separate over-the-counter service requests by one person may be limited to those relating to three corporations per day.

(c) Documents submitted by courier services or document-handling companies may receive twenty-four-hour service.

(d) A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

(10) A person submitting a filing or request may submit a written request asking the secretary to waive emergency or penalty fees.

(a) The request must include the special circumstances justifying the fee waiver.

(b) Under special circumstances the secretary may waive emergency or penalty fees.

(11) Fees for expedited or in-person processing will not be refunded if processing the request is delayed or not completed due to documents that lack required information, that contain provisions prohibited by Washington law, or are not presented in a manner that can be legibly preserved in the records of the office of the secretary of state.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-080, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-085 Fees and penalties.** (1) For Washington registered profit domestic and foreign corporations, including profit cooperative associations, employee cooperative associations, limited liability companies, limited partnerships, Massachusetts trusts and limited liability partnerships, fees and penalties are as follows:

(a) Articles of incorporation, certificates of formation, partnership agreements and other original filings, one hundred seventy-five dollars;

(b) Articles of amendment, restatement, correction, or revocation of dissolution, thirty dollars;

(c) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the statutory fee of fifty dollars and the department of licensing handling fee of nine dollars;

(d) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(e) Articles of merger or exchange, twenty dollars for each listed company;

(f) Resignation of registered agent, twenty dollars;

(g) Resignation of officer or director, an initial report or amended annual report, and the appointment or change of registered agent or change of registered address, ten dollars;

(h) Registration, reservation, or transfer of name, thirty dollars;

(i) Articles of dissolution, certificate of withdrawal, dissolution by judicial decree, or revocation of certificate of authority by either failure to renew or judicial decree, no fee;

(j) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(k) Other statement or report filed, ten dollars.

(2) For Washington registered domestic and foreign non-profit corporations, nonprofit miscellaneous and mutual corporations, building corporations, and other associations and corporations under Title 24 RCW, fees and penalties are as follows:

(a) Articles of incorporation and other original filings, thirty dollars;

(b) Articles of amendment, restatement, or correction, twenty dollars;

(c) Articles of dissolution or certificate of withdrawal, no fee;

(d) Revocation of dissolution, twenty dollars;

(e) Reinstatement following administrative dissolution, thirty dollars plus all delinquent annual fees and a five-dollar penalty;

(f) Articles of merger or exchange, twenty dollars for each listed corporation;

(g) Resignation of officer or director, an initial report or amended annual report, the appointment or change of registered agent, or change of registered address, ten dollars;

(h) Resignation of registered agent, twenty dollars;

(i) Registration, reservation, or transfer of reservation of name, twenty dollars;

(j) Certificate of election adopting provisions of chapter 24.03 RCW as described in RCW 24.03.017, thirty dollars; and

(k) Other statement or report filed, ten dollars.

(3) For registering trademarks for use within the state, the fees are as follows:

(a) For a five-year registration or renewal, fifty dollars for each class in which the trademark is registered;

(b) For recording the assignment of a trademark and its registration or application for registration, ten dollars;

(c) For a new certificate with the name of the new assignee, five dollars;

(d) For reservation of a trademark for one hundred eighty days, thirty dollars for each class in which the trademark is reserved;

(e) For amendment of a trademark to add new classes of goods or services, fifty dollars for each class added by the amendment;

(f) Cancellation of trademark, no fee; and

(g) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-085, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-090 Miscellaneous fees.** (1) For photocopies, fees are as follows:

(a) Each annual report, five dollars;

(b) Application for registration or any single document, ten dollars;

(c) Application and amended notices, twenty dollars;

(d) Copy of annual notice, five dollars;

(e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty-page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty dollars;

(b) Computer generated twenty dollars;

(c) Duplicate certificate twenty dollars.

(3) For verifying the signature of a notary or public official for an apostille or certification authenticating a sworn document, the fee is fifteen dollars. This includes:

(a) A ten-dollar fee for verifying the signature of a notary or public official; and

(b) A five-dollar fee for providing a certificate under seal pursuant to RCW 47.03.120 (1)(b).

(4) For each certified copy of any document the fee is ten dollars plus a ten-dollar copy fee per document.

(5) For any service of process the fee is fifty dollars.

(6) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five-dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be canceled and all other late filing fees and penalties will be instituted.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-090, filed 1/23/04, effective 2/23/04.]

**WAC 434-112-095 Fee prepayment—When required.** (1) All fees must be prepaid before the corporations division can take action.

(2) Anyone desiring a service for which the exact fee may not be known in advance may send a request accompanied by a check made payable to the "secretary of state," with the phrase "not to exceed (specified dollar amount)" above the space intended for the written dollar amount. The staff person who processes the request will fill in the exact fee amount and include a memo indicating the exact amount of the check with the certificate or other document.

(3) With permission of the secretary, a customer may set up a prepaid account by depositing a specified sum of money with the fiscal office.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-112-095, filed 1/23/04, effective 2/23/04.]

**Chapter 434-120 WAC****CHARITABLE SOLICITATION ORGANIZATIONS  
AND CHARITABLE TRUSTS**

WAC

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**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

434-120-015	Official address and telephone number. [Statutory Authority: Chapters 34.05, 19.09, 11.110, 43.07 RCW 00-21-081, § 434-120-015, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-015, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-012 and 434-19-013.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.
434-120-020	Office hours. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-020, filed 12/1/93, effective 1/1/94. For-

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merly WAC 434-19-014.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.

Public benefit nonprofit corporation registration—Annual fee. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-155, filed 12/1/93, effective 1/1/94.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.

Exemption from annual reporting. [Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-315, filed 5/24/95, effective 6/24/95.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.

Abbreviated reporting for qualifying trusts. [Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-317, filed 5/24/95, effective 6/24/95.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.

Content of annual reports for trusts not required to file United States tax or information returns. [Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. 98-18-034, § 434-120-320, filed 8/26/98, effective 9/26/98. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-320, filed 12/1/93, effective 1/1/94.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.

When to file annual reports. [Statutory Authority: RCW 11.110.070, 96-08-049, § 434-120-335, filed 4/1/96, effective 5/2/96. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-335, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-335, filed 12/1/93, effective 1/1/94.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.

Annual reports suspended under certain conditions. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-340, filed 12/1/93, effective 1/1/94.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.

Notifying the Attorney General of litigation. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-350, filed 12/1/93, effective 1/1/94.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.

**SECTION I  
GENERAL PROVISIONS AND DEFINITIONS**

**WAC 434-120-010 Authority and purpose.** These rules are adopted under authority of chapter 19.09 RCW, the Charitable Solicitations Act, hereafter referred to as "the Solicitations Act," chapter 11.110 RCW, the Charitable Trust Act, hereafter referred to as "the Trust Act," and chapter 43.07 RCW to provide for the efficient administration of these acts.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-010, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-010.]

**WAC 434-120-017 Office hours and location for charities program services.** Chapter 434-112 WAC provides information on charities program office hours, office location, mailing address, and telephone numbers.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-017, filed 1/23/04, effective 2/23/04.]

**WAC 434-120-025 Definitions.** (1) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity, but does not include any commercial fund-raiser or commercial fund-raising entity as defined in this section. "Charitable":

(a) Is not limited to its common law meaning unless the context clearly requires a narrower meaning;

(b) Does not include religious or political activities; and

(c) Includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, and health causes.

(2) "Charitable trust" means any real or personal property right held by an entity or person that is intended to be used for a charitable purpose(s). The trust may be created by will, deed, articles of incorporation, or other governing instrument. It may be express or constructive.

(3) "Commercial coventurer" means a corporation, partnership, sole proprietorship, limited liability company, limited partnership, limited liability partnership, individual, or other entity that:

(a) Is regularly and primarily engaged in making sales of goods or services for profit directly to the general public; and

(b) Is not otherwise regularly or primarily engaged in making charitable solicitations in this state or otherwise raising funds in this state for one or more charitable organizations; and

(c) Represents to prospective purchasers that if they purchase a good or service from the commercial coventurer, a specified portion of the sales price or a certain sum of money or some other specified thing of value will be donated to a named charitable organization; and

(d) Does not ask purchasers to make checks or other instruments payable to a named charitable organization or any entity other than the commercial coventurer itself under its regular commercial name.

(4) "Compensation," means salaries, wages, fees, commissions, or any other remuneration or valuable consideration. Compensation shall not include reimbursement for expenses incurred and documented or noncash awards or prizes, valued at one hundred dollars or less, given annually to each volunteer.

(5) "Solicitation," means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization; or

(d) The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

(6) "Solicitation," as defined in RCW 19.09.020(16), for the purposes of these regulations, shall not include any of the following:

(a) An application or request for application for a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests;

(b) The attempt to sell a service or good which constitutes the basis of the charitable organization's activities under which the federal income tax exemption was granted, or is the primary purpose for the existence of the charitable organization. This includes, but is not limited to, admission to a theatrical or other performance presented by a charitable organization that is a drama, musical, dance, or similar group and fees for services such as a hospital provides or use of the charitable organization's facilities; or

(c) Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission.

(7) "Commercial fund-raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits, receives or raises contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, the following shall not be deemed a "commercial fund-raiser" or "commercial fund-raising entity":

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives or raises any contribution for or on behalf of any such charitable organization; or

(b) A bona fide officer or other employee of a charitable organization.

(8) "Renewal date" means the fifteenth day of the fifth month after the close of the organization's fiscal or accounting year.

(9) "Secretary" means the secretary of state or the secretary's designee, or authorized representative.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-025, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. 97-16-036, § 434-120-025, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-025, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-025, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-020.]

**WAC 434-120-030 Public records.** Except as provided by RCW 42.17.310, all public records of the corporations division, which includes the charitable organization registration and charitable trust section, are available for public inspection and copying pursuant to rules of procedures in chapter 434-120 WAC and WAC 434-110-075. Registrations of trusts with several or mixed purposes shall not be made public under RCW 11.110.040 and 11.110.075.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-030, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-015.]

**WAC 434-120-040 Public information derived from registration.** (1) Registration forms, and attachments, filed by charitable organizations and commercial fund-raisers pursuant to WAC 434-120-105 and 434-120-215 are available for public inspection or copying. For purposes of public reports derived from that registration information, the secretary shall calculate, and make available to the public, the following information:

(2) For charitable organizations, the percentage of total expenditures in a reporting year allocated to charitable program services. This shall be calculated by dividing the amount reported as expended for charitable purposes by the amount reported as total expenses, and multiplying by 100.

(3) For commercial fund-raisers the percentage of the proceeds of charitable solicitations which are paid to or retained by charitable organizations. This shall be calculated by dividing the amount reported pursuant to WAC 434-120-215 (2)(l)(iii)(B) by the amount reported pursuant to WAC 434-120-215 (2)(l)(iii)(A), and multiplying by 100.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-040, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. 97-16-035, § 434-120-040, filed 7/30/97, effective 8/30/97.]

**WAC 434-120-045 Change in status, notification.** An entity required to register under this chapter shall notify the charities program of a change in:

(1) Principal officer, owner, or Washington representative within thirty days after the change.

(2) Business structure within thirty days, register the restructured or newly named entity as a new commercial fund-raiser and include evidence of separate bonding.

(3) Business name within thirty days, register the new name, and include evidence of bonding in the new name. If the fund-raiser will use both the existing name and the new name, include evidence of separate bonding for each name and include a fee of ten dollars.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-045, filed 1/23/04, effective 2/23/04.]

**WAC 434-120-050 Signatures for on-line filings.** When submitting an on-line filing, the person completing the filing shall sign the application by: Typing their full name in the space provided on the web form; stating their capacity with the entity addressed in the filing; and following the directions for signing the web form.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-050, filed 1/23/04, effective 2/23/04.]

## SECTION II CHARITABLE ORGANIZATION REGISTRATION REQUIREMENTS

**WAC 434-120-100 Who shall register.** (1) Any entity that will conduct a charitable solicitation or solicit funds from

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the general public for charitable purposes shall register with the corporations division under the solicitations act.

(2) Entities exempt from registration are the following:

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives any contribution for or on behalf of any such charitable organization;

(b) Any entity whose sole purpose is religious or political;

(c) Any entity who raises less than twenty-five thousand dollars in revenue in any accounting year, all of whose activities including fund-raising are conducted by volunteers, and whose officers or members do not receive assets or benefits from the organization;

(d) A bona fide officer or other employee of the charitable organization for which the funds are solicited; and

(e) Charitable organizations located outside of the state of Washington that meet the statutory requirements under RCW 19.09.076(2).

(3) Any entity exempt from registration by these regulations soliciting or conducting a solicitation shall comply with the conditions for solicitations as described in RCW 19.09.-100.

(4) Interpretive note: The secretary of state does not interpret RCW 19.09.065 as requiring a registration by an employee of an educational institution who, as part of his or her employment with the institution, solicits contributions on behalf of a nonprofit charitable foundation affiliated with that institution, if the foundation is registered and the educational institution is either:

(a) A public school, college, or university operated by the state of Washington, one of its school districts, or a comparable public institution of another state or nation; or

(b) A private entity that is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

[Statutory Authority: RCW 19.09.315 and 19.09.075. 96-10-021, § 434-120-100, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-100, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-103 Required forms and filings.** (1) A charitable organization complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules either the:

(a) State registration form described in WAC 434-120-105. This form is available through the charities program; or

(b) Unified Registration Statement developed by the National Association of State Charity Officials (NASCO), if accompanied by the components identified for filing in Washington in the unified registration statement appendix.

(2) These forms are used for original registration form, as well as for periodic renewal. The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.075.

(3) The state registration form or the unified registration statement must be filed together with:

(a) Solicitation report. This financial report is filed by all charitable organizations, except those exempted by these rules. The purpose of this report is to provide information regarding solicitations conducted during the reporting period. Solicitation reports are filed as part of an annual renewal; and

(b) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(4) The unified registration statement and the appendix are available for download at: <http://www.nonprofits.org/library/gov>.

(5) The financial statement required by WAC 434-120-130 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(6) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-103, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-103, filed 5/24/95, effective 6/24/95.]

**WAC 434-120-105 Charitable organization registration—Form and requirements.** (1) Charitable organizations registering under this act shall submit the registration form described in WAC 434-120-103. The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW shall not excuse the failure to comply.

(2) A registration is not complete, and will not be accepted for filing, unless it includes:

(a) The name of the organization, and every address (including both physical address and any mailing address if different), telephone number(s), fax number(s), and taxpayer identification number, including those of all offices, chapters, branches, and affiliates used in charitable solicitations reflected in the registration including any electronic mail or internet addresses used by the organization;

(b) All of the names under which the organization will solicit contributions, including, but not limited to, the names of all offices, chapters, branches, and affiliates used in charitable solicitations reflected in the registration;

(c) The type of organization, the unified business identifier, if the organization is registered in Washington and date established, and if the organization is incorporated, the state and date of incorporation;

(d) The end date of its current fiscal or accounting year;

(e) The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or action is currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or recordkeeping, whether such action has been instituted by a public agency or a private person or entity;

(f) A list of all states where the organization is registered for charitable solicitations;

(g) The name, address, and telephone number of the officers or of persons accepting responsibility for the organization, including the:

(i) Members of the board of directors or any committee or group serving the function of a board of directors, regardless of the name of the committee or group; and

(ii) Officers of the charitable organization, or the persons serving the function of officers, regardless of the title of the position;

(h) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(i) The purpose of the charitable organization, including, if applicable, the names and addresses of any specific beneficiaries which the charitable organization supports and to whom assets would be distributed to in the event of dissolution. When filing a renewal or an updated registration, the organization is not required to submit a list of beneficiaries if there have been no changes to that list;

(j) A statement indicating whether the organization is exempt from federal income tax, and copy of the letter by which the Internal Revenue Service granted the organization tax exempt status if the Internal Revenue Service has granted the organization such status. The organization shall indicate the section of the Internal Revenue Code under which they are exempt from the federal income tax;

(k) The name and address of the person or entity with authority for the preparation of financial statements or the maintenance of financial information on behalf of the organization;

(l) The name, address, and telephone number of an individual with expenditure authority who can respond to questions regarding expenditures of funds, and the names and addresses of any commercial fund-raiser and any commercial coventurer who have the authority to expend funds or incur obligations on behalf of the organization;

(m) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305;

(n) A solicitation report of the charitable organization for the preceding fiscal or accounting year including, but not limited to:

(i) The types of solicitations conducted;

(ii) The name, physical address, and telephone number of any commercial fund-raiser, including any commercial coventurer conducting solicitations on behalf of the organization in Washington during the period covered by this report; and

(iii) The total dollar value of all support received from solicitations, which includes but is not limited to, special events, sale of inventory, and amounts collected on behalf of the charitable organization by a commercial fund-raiser or commercial coventurer;

(iv) The total dollar value of revenue from all other sources;

(v) Gross receipts, including amounts collected on behalf of the charitable organization by a commercial fund-raiser or commercial coventurer regardless of custody of funds. "Gross receipts" include, but are not limited to, contributions,

gross revenue from special events, sales of inventory, goods or services (including tickets to events), and all other revenue from solicitations;

(vi) The amount of total expenditures used directly for charitable program services, including payments to affiliates if costs involved are not connected with the administrative or fund-raising functions of the reporting organization;

(vii) The amount of total expenditures used for administrative and fund-raising costs, including amounts paid to or retained by a commercial fund-raiser or commercial covenanter. "Administrative and fund-raising costs" include, but are not limited to, the following expenses if not directly related to program services; salaries, wages, compensation, legal, accounting, occupancy, equipment costs, printing and publications, telephone, postage, supplies, travel, meetings, fees for services (including fund-raising consultation), and cost of goods or inventory sold that are not directly related to program services.

(viii) Total expenditures, including, but not limited to, amounts paid to or retained by a commercial fund-raiser, or commercial covenanter, amounts expended for charitable program services, administrative expenses, fees for services, and fund-raising costs incurred by the charitable organization.

(ix) Beginning assets; and

(x) Ending assets.

(o) A copy of the charitable organization's federal informational tax return (Form 990, Form 990PF, or Form 990EZ) reflecting the fiscal or accounting year covered by this report;

(p) The charitable organization may provide additional information which the organization believes would be of assistance in understanding other reported information, or to provide context for reported information.

(3) The organization shall report actual figures, and shall not use estimates, when completing a solicitation report or a supplemental solicitation report.

(4) A parent organization may file a consolidated registration form when registering, including the solicitation information required for each of its related foundations, supporting organizations, chapters, branches, or affiliates that solicit in the state of Washington, which are supervised or controlled by the parent organization. Registration and subsequent financial reporting requirements may be satisfied either separately or in consolidated form for all subsidiary organizations. A filing by the parent organization relieves each subsidiary organization identified in that filing of any duty to file independently.

(5) All charitable solicitation organization registrations shall be signed by the president, treasurer, or comparable officer of the organization or, in the absence of officers, person responsible for the organization.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-105, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.075. 97-19-043, § 434-120-105, filed 9/11/97, effective 10/12/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-105, filed 12/1/93, effective 1/1/94.]

#### **WAC 434-120-110 Organizations exempt from filing requirements—Optional filing.** (1) Charitable organizations exempt from the filing requirements of this chapter

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under RCW 19.09.076(1) and WAC 434-120-100 (2)(b) or (c) may register with the charities program.

(2) Charitable organizations choosing to register under this section shall register by:

(a) Completing the registration form specified by the secretary; and

(b) Paying the registration fee of twenty dollars.

(3) Charitable organizations registered under this section may change or update their registration by:

(a) Filing the update with the charities program; and

(b) Paying the ten-dollar update fee.

(4) Expedited processing under WAC 434-112-080 is available for registrations and updates under this section.

(5) The secretary offers this optional registration because some grant making entities and programs require registration with the charities program.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-110, filed 1/23/04, effective 2/23/04.]

#### **WAC 434-120-115 Treatment of appropriated funds.**

A government subdivision or publicly supported educational facility that is also a charitable organization shall report government appropriated funds only to the extent such funds are directly expended to support fund raising efforts or to defray costs of administering the organization's fund raising programs.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-115, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-125 Record retention.** Organizations shall keep, for a three-year period, the annual solicitation reports and the supporting documents including books, ledgers, prepared statements, compilations, reviews, or audit reports, or any other records on which they were based, making them available to the attorney general or county prosecutor on request.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-125, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-125, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-130 Financial standards.** Upon the request of the attorney general, secretary or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information within thirty days from date of request.

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to commercial fund-raisers or charitable organizations.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

[Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. 97-16-035, § 434-120-130, filed 7/30/97, effective 8/30/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-130, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-135 Contributor lists.** All charitable organizations registered under this act shall keep records of all contributors to the organization for three years. If a commercial fund raiser manages a campaign for a charitable organization, either the commercial fund raiser or the charitable organization shall be the entity responsible for maintaining the contributor records for that campaign. These records shall include the names of the following contributors:

- (1) Each contributing entity that collects individual donations from an employee or member group or a business, turning them over to the charitable organization as a single sum, such as the United Way;
- (2) Each corporation that contributed; and
- (3) Each individual who contributed more than twenty-five dollars.

The records must be retrievable and compilable for a period of three years and shall be turned over within ten working days upon written request of the attorney general or the county prosecutor, although the organization is not required to keep the names in a standard list format at all times.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-135, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-140 How and when.** (1) Original registration: An entity required to register as a charitable organization shall complete the form described in WAC 434-120-105 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation.

(2) Annual renewal:  
 (a) An entity shall renew its charitable registration by no later than the fifteenth day of the fifth month after the end of its fiscal year.  
 (b) The renewal shall include the same information required for registration as described in WAC 434-120-105 and RCW 19.09.075, except that a determination letter from the Internal Revenue Service need not be attached if it was previously filed. The solicitation report will be based on the most recent filing with the Internal Revenue Service or if the organization does not file with the Internal Revenue Service, the solicitation report will be based on the most recently completed fiscal year. No organization may submit the same fiscal information for two consecutive years.

(c) No change in an entity's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for registration and financial statement requirements shall be determined on a prorated basis.

(3) Change in status, notification: An organization shall notify the corporations division of a change in principal officer, owner, Washington representative, tax status, fiscal year, or any other information filed under RCW 19.09.075 or WAC 434-120-105, within thirty days after the change.

[Statutory Authority: RCW 19.09.315 and 19.09.075. 96-10-021, § 434-120-140, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-140, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-140, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-145 Fees.** (1) Original registration: Entities registering as charitable organizations shall pay a fee of twenty dollars for the first year of registration.

(2) Annual renewal: Organizations reregistering shall pay a fee of ten dollars.

(3) Information changes: Organizations filing changes of information described in WAC 434-120-105, shall pay a fee of ten dollars for each submittal of change(s).

(4) Photocopy fees: For copy of a charitable organization registration form or letter, including the finance and solicitation reports, the fee is five dollars.

(5) Expedited service fees: For in-person service at the counter, or on-line filings, the fee is twenty dollars for one or more transactions in each charitable organization file requested.

(6) For service of process on a registered charity, commercial coventures, commercial fund-raiser, or charitable trust, the fee is fifty dollars.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-145, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-145, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-145, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-160 Fees for late registration.** (1) A charitable organization that fails to renew its registration by its renewal date shall pay a late fee of fifty dollars. The charitable organization shall pay an additional fifty dollar late fee for each year, including the current year, that it was not registered under this act, but was required to do so. If the registration has lapsed for a period of more than two years, the entity shall provide solicitation information for the previous two years, and shall reregister as a new charitable organization.

(2) The fees for late registration shall be in addition to the filing fees under WAC 434-120-145, and any other, remedies that may be imposed by law, including penalties for soliciting without being registered.

(3) The charitable organization may ask the secretary to waive fees for late registration. The request must include a description of the circumstances that justify a waiver of the late fees. Under special circumstances the secretary may waive fees for late registration that are imposed by these regulations.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-160, filed 1/23/04, effective 2/23/04. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-160, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-170 Use of particular names in solicitations.** (1) In addition to registration under this act, any entity conducting a solicitation using the name police, sheriff, fire fighter, firemen, or similar name shall file with the char-

ties program, an original copy of the authorization to use the name in the solicitation. The authorization shall be signed by two officers or other persons responsible for carrying out the purpose of the bona fide department or organization that is giving its permission to use one of the above names. For the purposes of this section, "bona fide organization" shall mean a government department or agency of police, sheriffs, fire fighters, firemen, or similarly named government employer or an entity in which some or all of its members are employed by a government department or agency of police, sheriffs, fire fighters, firemen, or similar name.

(2) In addition to registration under this act, any entity conducting a solicitation using the name of a military veterans' service organization listed in the most current annual *Directory of Veterans Service Organizations* published by The Department of Veterans Affairs, Office of the Secretary, in Washington, D.C., shall obtain written authorization to use the name in the solicitation. The written permission must be signed by the highest ranking official of the organization in the state who is listed in the "commanders list" maintained by the Washington department of veterans affairs. Organizations shall retain the authorization in their records, and make the original signed authorization available to the secretary, the office of the attorney general or the office of a county prosecutor on request.

(3) In addition to registration under this act, any entity using the name of a military veterans' service organization that is not affiliated with a national military veterans' service organization shall obtain written permission to use the name signed by the service organization's highest ranking official in the state of Washington. Organizations shall retain the authorization in their records, and make the original signed authorization available to the secretary, the office of the attorney general or the office of a county prosecutor on request.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-170, filed 1/23/04, effective 2/23/04. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-170, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-175 Voluntary verification information.** Each organization registering under the act may submit additional information, not required by law, for its file if the information is intended to inform the public about its programs and activities and to verify its existence. The corporations division may place such information in the organization's file for a specified period of time. Persons coming into the office may read such information; however, no voluntary verification information shall be mailed out.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-175, filed 12/1/93, effective 1/1/94.]

### **SECTION III COMMERCIAL FUND RAISER REGISTRATION REQUIREMENTS**

**WAC 434-120-200 Required filings.** (1) A commercial fund-raiser complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules:

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(a) Commercial fund-raiser registration form. This form is used as an original registration form, as well as an annual renewal form. The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.079;

(b) Solicitation report. These reports are filed periodically by all commercial fund-raisers, except those exempted by these rules. The purpose of these reports are to provide information regarding solicitations conducted during the reporting period, of an informational nature to the public. These reports must be filed in the time and manner specified in WAC 434-120-215;

(c) All surety bonds required by WAC 434-120-260; and

(d) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(2) The financial statement required by WAC 434-120-255 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(3) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-200, filed 5/24/95, effective 6/24/95.]

**WAC 434-120-210 Who shall register.** (1) Every commercial fund raiser, as described in RCW 19.09.020(8), shall register each year, pursuant to WAC 434-120-215, except that commercial coventurers may instead register pursuant to WAC 434-120-212.

(2) Suppliers of goods and services to charitable organizations for fund raising purposes are exempt from registration, if they are not otherwise engaged in the business of charitable fund raising.

[Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. 97-16-036, § 434-120-210, filed 7/30/97, effective 8/30/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-210, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-212 Registration by commercial coventurers.** (1) A commercial coventurer shall register with the secretary as either a commercial fund-raiser or a commercial coventurer before conducting any solicitations. If a commercial coventurer chooses to register as a commercial fund-raiser, it shall comply with all registration requirements for commercial fund-raisers as set forth in chapter 19.09 RCW and chapter 434-120 WAC. If a commercial coventurer chooses to register as a commercial coventurer, it shall do all of the following:

(a) Pay a registration fee as specified in WAC 434-120-250(7) and file the registration form required by this rule; and

(b) File with the secretary a copy of its written agreement with each charitable organization for which it solicits. This agreement must state the name, address and telephone number of the commercial coventurer and the charitable organization; must be signed by an officer of the charitable organization and the person in charge of the commercial coventurer; must specify how the commercial coventurer's contribution to the organization as a result of this promotion shall be cal-

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culated, based upon an aggregate fixed dollar amount, a fixed dollar amount per sale, or a fixed percentage of gross sales revenue; and must state the charitable organization's permission to use its name; and

(c) Report:

- (i) A brief description of the fund-raising activity;
- (ii) The name of each charitable organization with which it has contracted as a commercial coventurer; and

(iii) A disclosure of the planned financial contribution pursuant to contract with the named charitable organizations. A commercial coventurer shall comply with this requirement by specifying how the commercial coventurer's contribution to the organization as a result of this promotion shall be calculated, based upon an aggregate fixed dollar amount, a fixed dollar amount per sale, or a fixed percentage of gross sales revenue.

(d) Keep on file at its principal place of business a financial statement reflecting the results of its campaign(s) on behalf of each charitable organization for which it raises funds, which shall include at a minimum all of the information required by RCW 19.09.079(7), and shall produce this statement upon demand to the attorney general within ten business days.

(2) The commercial coventurer is not required to complete the solicitation report described by WAC 434-120-215 (2)(l).

(3) The form for registration as a commercial coventurer shall be the same as the form described in WAC 434-120-215.

(a) The commercial coventurer is not required to provide the information required by WAC 434-120-215 (2)(e) and (h); and

(b) An entity which is entitled to and does register as a commercial coventurer need not post a bond pursuant to RCW 19.09.190.

(4) Unless specifically excused by this rule, a commercial coventurer shall comply with all other terms of chapter 19.09 RCW and this chapter.

(5) Interpretive note: An entity that is regularly engaged in the business of promoting events, including but not limited to concerts, circuses, rodeos, and sporting events, by selling tickets to such events through the use of a charitable solicitation, shall be deemed to be regularly or primarily engaged in making charitable solicitations or otherwise raising funds for one or more charitable organizations, and therefore is not a commercial coventurer.

(6) Interpretive note: A transaction is not one for the purchase of a good or service, and therefore the seller is not a commercial coventurer, if the item ostensibly sold is of slight or grossly disproportionate value in relation to the price or contribution sought in exchange, or if it is described as a prize, gift, reward or award, or similar term, for contributions made or solicited.

(a) Example: A solicitor tells a prospective contributor that if he or she will contribute one hundred dollars to a named charity, the solicitor will send him or her a paper bookmark embossed with the charity's logo as a reward. The solicitor is not a commercial coventurer.

(b) Example: A solicitor offers to sell an individual a coffee mug, with a fair market value of five dollars, for one hundred dollars, with the representation that fifty percent of

the purchase price would be contributed to a named charity. The solicitor is not a commercial coventurer. Caution: A person selling a good or service at fair market value is still not a commercial coventurer if he or she is regularly engaged in charitable fund-raising (see WAC 434-120-025 (3)(b)), or is selling tickets to events (see WAC 434-120-212(5)), or otherwise fails to qualify.

(7) Interpretive note: An entity that acts as a commercial coventurer, and that does not engage in any commercial fund-raising in this state other than as a commercial coventurer, may register as a commercial coventurer in Washington even if it acts as a commercial fund-raiser in other states.

(8) Interpretive note: A retail establishment that offers for sale a product that is marketed by others as a commercial coventurer, is not required to register unless it makes an independent appeal to charity or otherwise acts as a commercial coventurer or commercial fund-raiser.

(a) Example: A supermarket includes in its merchandise line a product, with a label that states that a portion of the purchase price will go to charity, but the supermarket makes no other appeal to charity with regard to the product. The supermarket is not required to register as a commercial coventurer or commercial fund-raiser, but the manufacturer will be considered a commercial coventurer if it otherwise satisfies the definition in WAC 434-120-025.

(b) Example: The supermarket in example (a) publishes an advertisement stating that a portion of the purchase price of a product will be devoted to charity. The supermarket is a commercial coventurer if it otherwise satisfies the definition in WAC 434-120-025.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-212, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. 97-16-036, § 434-120-212, filed 7/30/97, effective 8/30/97.]

**WAC 434-120-215 Commercial fund-raiser registration—Form and requirements.** (1) Commercial fund-raisers registering under this act shall use the commercial fund-raiser registration form available in the office of the charities program. The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW, shall not excuse the failure to comply. The secretary's acceptance of a registration or other filing which violates these rules or chapter 19.09 RCW shall not excuse the violation.

(2) A registration is not complete, and will not be accepted for filing, unless it includes:

(a) The name of the organization, and every address (including both physical address and any mailing address if different), telephone number(s), fax number(s), of the commercial fund-raising entity under which contributions are being solicited or received, including any electronic mail or Internet addresses used by the organization;

(b) The name(s); address(es); and telephone number(s) of the individual(s) responsible for fund-raising activities of the entity in Washington state;

(c) The type of organization, the unified business identifier if the organization is registered in Washington and date established, and if the organization is incorporated, the state and date of incorporation;

(d) The end date of its current fiscal or accounting year;

(e) The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or action is currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or recordkeeping, whether such action has been instituted by a public agency or a private person or entity;

(f) A list of all states where the organization is registered for fund-raising, including any other names under which the organization is currently registered or has been registered in the past three years;

(g) The name, address, and telephone number of the officers or of persons accepting responsibility for the organization;

(h) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(i) The name and address of the person or entity with authority for the preparation of financial statements or the maintenance of financial information on behalf of the organization;

(j) The name, address, and telephone number of an individual with expenditure authority who can respond to questions regarding expenditures of funds, and the names and addresses of any charitable organizations who have given the commercial fund-raiser authority to expend funds or incur obligations on behalf of the organization;

(k) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305;

(l) A solicitation report of the fund-raising activities of the entity for the preceding fiscal or accounting year including, but not limited to:

(i) The types of fund-raising services conducted;

(ii) The name of each charitable organization to whom this entity has provided fund-raising services;

(iii) The total dollar value of the following:

(A) Contributions received, either by the commercial fund-raiser or the charities with which the commercial fund-raiser contracts, as a result of services provided by the commercial fund-raiser during the year shown above. (This is the total amount of money raised, regardless of who has possession of funds.)

(B) Funds either retained by, or paid to, the charities with whom the commercial fund-raiser contracts, after fees and any expenses have been subtracted. (This is the portion of money raised that the charities receive or keep after all fund-raising expenses have been deducted.)

(iv) The name, address, and telephone number of any other commercial fund-raiser retained in the conduct of providing fund-raising services;

(3) The commercial fund-raiser may provide additional information which the commercial fund-raiser believes would be of assistance in understanding other reported information, or to provide context for reported information.

(4) The commercial fund-raiser shall report actual figures and shall not use estimates when completing a solicitation report or a supplemental solicitation report.

(5) All commercial fund-raiser registrations shall be signed by an officer or owner of the commercial fund-raiser.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-215, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. 97-16-035, § 434-120-215, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-215, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004 and 94-02-011, § 434-120-215, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94.]

**WAC 434-120-218 Solicitation reports by commercial fund-raisers who subcontract.** (1) A commercial fund-raiser who engages another registered commercial fund-raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for reporting and shall include the total contributions and the total expenses related to that campaign in its solicitations report and financial statement.

(2) If a reporting commercial fund-raiser's contributions and expenses for a campaign are also included in another commercial fund-raiser's solicitations report, the reporting fund-raiser shall list in its report the name of that fund-raiser, the name of the charitable organization, the dates of the campaign, and the total contributions and expenses for which it was responsible.

(3) Regardless of whether a commercial fund-raiser which acts as a contractor reports the contributions and expenses of its subcontractor(s), each subcontracting commercial fund-raiser, must independently register, post bond, report its own contributions and expenses, and comply with all other provisions of these rules and chapter 19.09 RCW as they apply to commercial fund-raisers.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-218, filed 5/24/95, effective 6/24/95.]

**WAC 434-120-220 Change in status, notification.** A commercial fund raiser shall do the following:

(1) Notify the corporations division of a change in principal officer, owner, or Washington representative within thirty days after the change.

(2) Notify the corporations division of a change in business structure within thirty days, register the restructured or newly named entity as a new commercial fund raiser and include evidence of separate bonding.

(3) Notify the corporations division of a change in business name within thirty days, register the new name, and include evidence of bonding in the new name. If the fund raiser will use both the existing name and the new name, include evidence of separate bonding for each name and include a fee of ten dollars.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-220, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-225 Annual reregistration.** (1) Each commercial fund-raiser shall reregister annually by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(2) A fund-raiser that changes its fiscal year shall notify the secretary of state of the change, in writing, within thirty days of making the change. No change in a fund-raiser's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for financial statement requirements shall be determined on a prorated basis.

[Statutory Authority: RCW 19.09.315 and 19.09.075. 96-10-021, § 434-120-225, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-225, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-240 Contract between a commercial fund-raiser and a charitable organization.** (1) A commercial fund-raiser and charitable organization entering into a contract shall register the contract by completing the contract registration form, attaching a copy of the written contract, and filing the form and contract with the secretary. The contract shall be registered before the commencement of the campaign.

(2) The charitable organization is responsible for registering the contract.

(3) The fee for registering a contract under this section is ten dollars.

(4) Both the contract and registration form shall be signed by the commercial fund-raiser owner or principal and the charitable organization president, treasurer, or comparable officer.

(5) In addition to the statutory requirements of RCW 19.09.097, the terms of the contract shall specify who will maintain the donor list.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-240, filed 1/23/04, effective 2/23/04. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-240, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-250 Fees.** All commercial fund-raisers shall pay an original registration fee at the time of filing and a yearly registration renewal fee.

(1) The fee for original registration in this state is two hundred fifty dollars.

(2) The annual registration renewal fee is one hundred seventy-five dollars.

(3) The fee for filing changes in any information previously filed under RCW 19.09.079, and WAC 434-120-215 or for filing a contract is ten dollars.

(4) The late fee is fifty dollars for failing to renew registration by the due date. The commercial fund-raiser shall pay an additional late fee of one hundred dollars for each year that it was required to register under this act and failed to do so, including the current year. If the registration has lapsed for more than two years, the entity shall provide solicitation information for the previous two years and shall register as a new commercial fund-raiser under RCW 19.09.079, in addition to paying any late fees due under this section.

Any commercial fund-raiser failing to renew registration and conducting business may be subject to other penalties and remedies that may be imposed by law, including penal-

ties for soliciting without being registered. These penalties are cumulative.

(5) The fee for expedited in-person service, and on-line filings, is twenty dollars for any and all transactions within one commercial fund-raiser file, in addition to regular fee for the transaction.

(6) The photocopy fee is ten dollars for copies of the annual registration form or letter.

(7) A commercial coventurer shall pay a registration fee of twenty dollars when it registers with the secretary or renews its registration.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-250, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. 97-16-036, § 434-120-250, filed 7/30/97, effective 8/30/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-250, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-255 Financial standards.** Upon the request of the attorney general, secretary or the county prosecutor, a commercial fund-raiser shall submit a financial statement containing, but not limited to, the following information within thirty days from date of request.

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, retained by the charitable organization, given or to be given to charitable organizations represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to charitable organizations.

(5) Copies of any annual or periodic reports furnished by the fund-raising organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

[Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. 97-16-035, § 434-120-255, filed 7/30/97, effective 8/30/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004 and 94-02-011, § 434-120-255, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94.]

**WAC 434-120-260 Surety bonds.** (1) In compliance with RCW 19.09.190 a registering commercial fund-raiser, as principal, shall submit proof of execution of a surety bond with one or more sureties whose liability in the aggregate will equal at least fifteen thousand dollars. Except as provided in WAC 434-120-265, commercial fund-raisers must provide proof of bonding if the commercial fund-raiser engages, or plans to engage, in one or more of the following practices:

(a) The fund-raiser directly or indirectly receives contributions from the public on behalf of any charitable organization; or

(b) The fund-raiser is compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any similar method, even if the fund-raiser does not directly or indirectly receive the contributions; or

(c) The fund-raiser incurs or is authorized to incur expenses on behalf of the charitable organization; or

(d) Has not been registered with the secretary as a commercial fund-raiser for the preceding fiscal or accounting year shall execute a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least fifteen thousand dollars.

(2) A commercial fund-raiser is considered to solicit or receive contributions from the public directly if they are solicited or received by the fund-raiser or by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members. Contributions are solicited or received indirectly if they are solicited or received by:

(a) Any organization owned or controlled by the commercial fund-raiser or owned or controlled by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members; or

(b) Any person or organization, other than the charitable organization for which funds are solicited, with which the commercial fund-raiser has a contractual relationship governing the solicitation or receipt of contributions. Solicitations shall be deemed received by the fund-raiser if they are deposited into bank accounts wholly or partially owned or controlled by the commercial fund-raiser or other entity with which the commercial fund-raiser maintains a contractual relationship.

(3) If a commercial fund-raiser does business under more than one name, each name used by that entity must be registered and bonded separately.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-260, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-260, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-260, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-265 Exemption from surety bond.** A commercial fund-raiser who can be classified as "product seller," as defined in RCW 7.72.010, may be exempt from the surety bond requirement in WAC 434-120-260 when:

(i) All proceeds for the life of the entity, including shareholder dividends, are dedicated to a single registered charitable trust or single registered charitable organization;

(ii) A written contract with the charitable trust or organization stating the agreement of the receiver to accept and the product seller to donate all proceeds is executed;

(iii) The contract is filed by the product seller with the corporations division;

(iv) "All proceeds" is the remainder left after subtracting indirect and direct expenses of bringing the product to the buyer; and

(v) An annual solicitation report, signed by the entity making the audit report and the president, is filed with the corporations division (see WAC 434-120-215(4)).

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-265, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-265, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-270 Impairment of surety bond.** In the event that a final judgement shall impair the liability of a surety bond and the full amount required is not in effect, the

secretary shall suspend the registration of such commercial fund raiser. The commercial fund raiser may request reinstatement when it has restored the full amount of the required bond liability and satisfied all judgement claims.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-270, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-280 Signing off on the surety bond.** A commercial fund raiser bonded in accordance with chapter 19.09 RCW and these regulations, shall retain the protection of the bond until all claims against it can be filed in accordance with the statute of limitations as listed in chapter 4.16 RCW. The secretary of state has not been granted authority to sign off on a surety bond signifying that all outstanding claims have been filed prior to the expiration of the statute of limitations.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-280, filed 12/1/93, effective 1/1/94.]

## SECTION IV CHARITABLE TRUST REGISTRATION REQUIREMENTS

**WAC 434-120-300 Jurisdiction.** A trust is subject to Washington jurisdiction if:

(1) It is created pursuant to a trust instrument that specifies that it is subject to the jurisdiction of the state of Washington or that its terms are to be construed pursuant to the laws of the state of Washington;

(2) It is a testamentary trust, and the will was probated or recorded, or letters testamentary and of administration were granted in the state of Washington;

(3) The trust was created pursuant to order of a Washington court or by operation of Washington law;

(4) The trust was created by or pursuant to the articles of incorporation of a Washington corporation; or

(5) No state, territory, or nation may assert a superior claim of jurisdiction, and:

(a) The trust was created pursuant to an inter vivos agreement or document executed or recorded within the state of Washington but which does not expressly vest jurisdiction in another state, territory, or nation; or

(b) The trust corpus consists predominantly of property located in or administered from Washington; or

(c) A basis exists upon which to assert or concede jurisdiction in the state of Washington.

[Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. 98-18-034, § 434-120-300, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.070. 96-08-049, § 434-120-300, filed 4/1/96, effective 5/2/96. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-300, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-300, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-305 Who shall register.** The registration and reporting requirements of chapter 11.110 RCW apply to every trustee, as defined by RCW 11.110.020, who is required to register by RCW 11.110.051. The secretary of state has determined, pursuant to RCW 11.110.051 (1)(a), that no trustee shall be required to register or report unless, as to a particular charitable trust, the trustee holds assets, invested for income-producing purposes, exceeding a value

of two hundred fifty thousand dollars, and otherwise meets the description of RCW 11.110.051.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-305, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. 98-18-034, § 434-120-305, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-305, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-305, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-307 Required filings.** (1) Initial registration: Every trustee required to register by RCW 11.110.-051 shall do so, in the time and in the manner described by RCW 11.110.060. Trustees shall use the registration form described by WAC 434-120-310, and file all other documents required by RCW 11.110.060. Trustees required to register shall also file with the secretary any later amendments to the trust instrument within four months of making the amendment.

(2) Periodic reporting: Every trustee required to register by RCW 11.110.051 shall report annually as required by RCW 11.110.070. The annual reporting requirement is satisfied by filing the renewal form described by WAC 434-120-310(3) and filing a copy of the trust's federal informational tax return, with the secretary of state no later than the fifteenth day of the fifth month after the end of its fiscal or accounting year.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-307, filed 1/23/04, effective 2/23/04.]

**WAC 434-120-310 Charitable trust registration—Form and requirements.** (1) Trustees registering under chapter 11.110 RCW shall use the registration form available in the office of the secretary of state. The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 11.110 RCW shall not excuse the failure to comply.

(2) An initial registration form is not complete, and will not be accepted for filing, unless it includes:

(a) The trustee's name;

(b) The trustee's mailing address, and physical address if different;

(c) The name of the trust, its Federal Employer Identification Number, if any, or other identifying information sufficient to distinguish the trust from other registered trusts;

(d) A brief description of the charitable purposes of the trust, which may, at the trustee's option, include the names and addresses of any charitable organizations benefited by the trust;

(e) The market value of all trust assets invested for incoming-producing purposes as of the date on which the trustee received possession or control of the trust corpus;

(f) A copy of the governing instrument creating the trust;

(g) A statement indicating whether the trust is exempt from federal income tax, and, if exempt, the section of the Internal Revenue Code under which the trust is exempt from federal income tax;

(h) A copy of the letter by which the Internal Revenue Service granted the trust tax exempt status if the Internal Revenue Service has granted the trust such status;

(i) The end date of its current fiscal or accounting year; (j) A financial report of the trust for the preceding fiscal or accounting year, including, but not limited to:

(i) Beginning assets;

(ii) Total revenue;

(iii) Grants, contributions, and the amount of expenditures used directly for program services;

(iv) Compensation of officers, directors, trustees, etc.;

(v) Total expenses; and

(vi) Ending assets.

(k) A copy of the trust's federal informational tax return (Form 990, Form 990PF, or Form 990EZ) reflecting the fiscal or accounting year contained in this report;

(l) The name and telephone number of the preparer of the trust registration, if different from trustee.

(3) The renewal registration form required by this rule shall be the same as the form described in WAC 434-120-310 except that the information required by WAC 434-120-310 (2)(d), (e), (f), (g) and (h) is not required.

(4) The trust shall report actual figures, and shall not use estimates, when completing a financial report.

(5) All charitable trust registrations shall be signed by the trustee, or, if the trustee is a corporation, of the corporate officer or employee responsible for the trust.

(6) A copy of the governing instrument creating the trust shall not be deemed sufficient to meet the requirements of this section.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-310, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. 98-18-034, § 434-120-310, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-310, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-310, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-330 Annual fees.** (1) Charitable trusts filing initial or renewal registrations shall pay a fee of twenty-five dollars.

(2) For all expedited in-person service, or on-line filing, the fee is twenty dollars for one or more transactions within one charitable trust file, in addition to the regular fee for the transaction.

(3) For a photocopy of an Internal Revenue Service Form 990EZ the fee is five dollars and for a copy of Form 990 or 990-PF the fee is ten dollars with a surcharge for forms exceeding 100 pages of copy, which is thirteen dollars for each fifty page increment.

(4) For a photocopy of a charitable trust registration form, the fee is five dollars.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-330, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-330, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-330, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-345 Late registration fees.** (1) A charitable trust that fails to renew its registration at the time its renewal is due, shall pay a late fee of fifty dollars when the reregistration is made. The trust shall pay an additional fifty-dollar late fee for each year, including the current year, it was

not registered under this act. If the registration has lapsed for a period of more than two years, the entity shall register as a new trust and pay any late fees, which shall be cumulative.

(2) The fees for late registration shall be in addition to any other filing fees or remedies that may be imposed by law, including penalties for not being registered.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-345, filed 1/23/04, effective 2/23/04.]

**WAC 434-120-355 Change in status, notification.** A charitable trust shall notify the charities program of a change in trust instrument, trustee, principal officer, tax status, fiscal year, or any other information filed under RCW 11.110.060 or WAC 434-120-310 within four months after the change. Organizations filing changes of information described in RCW 11.110.060 or WAC 434-120-310 shall pay a fee of ten dollars for each submittal of change.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-355, filed 1/23/04, effective 2/23/04.]

**WAC 434-120-360 Dissolution of trust, procedure and notification.** (1) A charitable trust shall submit written notification of its intent to dissolve to the charities program thirty days prior to dissolution.

(2) Upon dissolution, the trust shall provide information regarding the disposition of its assets, including, but not limited to, the amount and type of assets, and the name and address of the entity in receipt of such assets.

(3) Upon dissolution, the charitable trust shall provide the information specified in subsection (2) of this section to:

(a) The charities program in the office of the secretary of state if the dissolution is in accordance with the specific terms of the trust; or

(b) Both the charities program in the office of the secretary of state and the office of the attorney general if the dissolution is the result of:

(i) A merger;

(ii) A voluntary dissolution outside the specific terms of the trust;

(iii) A change in the state of domicile of the trust; or

(iv) Any other change in the trust giving rise to the obligation to notify the attorney general under RCW 11.110.120.

(4) Notice to the charities program under subsection (3)(b) of this section is not required for those trusts that are not required to register with the charities program in the office of the secretary of state.

[Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. 04-04-018, § 434-120-360, filed 1/23/04, effective 2/23/04.]

## Chapter 434-130 WAC LIMITED LIABILITY COMPANIES

### WAC

434-130-010	Purpose and authority.
434-130-040	Telephone services.
434-130-050	Original signature required.
434-130-060	Registered office address—Requirements.
434-130-070	Annual reports—Due date.
434-130-080	In-person or expedited counter service—Special fees.
434-130-090	Fees.
434-130-100	Miscellaneous fees.

(2007 Ed.)

## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-130-020 Official address and telephone number. [Statutory Authority: Chapters 25.15, 43.07 RCW. 00-21-082, § 434-130-020, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-020, filed 9/8/94, effective 10/1/94.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.
- 434-130-030 Office hours. [Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-030, filed 9/8/94, effective 10/1/94.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.

**WAC 434-130-010 Purpose and authority.** These rules are adopted under authority of chapter 25.15 RCW (Limited liability companies), the Washington Limited Liability Company Act.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-010, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-040 Telephone services.** The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability companies and on filing a document relating to a new limited liability company which is immediately available at this number includes the following:

- (1) Exact name of limited liability company on file in the secretary of state's records;
- (2) Unified business identifier (UBI) number;
- (3) Date filed on the secretary of state's records;
- (4) Expiration date of license;
- (5) Name of registered agent;
- (6) Scheduled dissolution date (if any);
- (7) Registered office address;
- (8) Status of limited liability company;
- (9) Filing date of most recent annual report;
- (10) Whether management is vested in members or managers;
- (11) Name of members or managers;
- (12) State of formation;
- (13) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system and pressing the appropriate number.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-040, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-050 Original signature required.** The corporations division will retain the original document when a limited liability company submits for filing an original document with original signature and an exact or conformed copy. If the organization provides only the original copy, the division may charge a photocopy fee to make an exact copy. The copy returned to the organization will be date stamped on the day it was processed and filed.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-050, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-060 Registered office address—**

**Requirements.** A post office box address may be used in conjunction with a registered geographic office address when:

- (1) The United States Postal Service cannot or will not deliver to the street address; and
- (2) The post office box address is in the same Washington city or town as the registered office address; and
- (3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-060, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-070 Annual reports—Due date.** Each limited liability company shall file an annual report by the last day of the month of its original registration as a limited liability company. The corporations division shall notify all limited liability companies of its annual renewal date forty-five days in advance by a mailing that includes the annual report form. Failure to receive an annual report notice is insufficient reason for failure to file the statutorily required annual report.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-070, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-080 In-person or expedited counter service—Special fees.** (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:30 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying and status certificates;
- (e) Status change filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing limited liability company file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

- (a) Initial reports;
- (b) License renewal and required annual report;
- (c) Amended annual reports;
- (d) Reinstatements;
- (e) In-person inspection or review of limited liability company files or other public documents located in the corporations division office;
- (f) Documents left at the counter for processing with mail-in documents received the same day; or
- (g) A search for nonactive limited company files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form

of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-080, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-090 Fees.** For Washington registered domestic and foreign limited liability companies fees are as follows:

- (1) Certificate of formation or application for registration, one hundred seventy-five dollars;
- (2) Annual license renewal, fifty dollars plus the department of licensing's handling fee of nine dollars;
- (3) Amendment, restated certificate, or amended and restated certificate, thirty dollars;
- (4) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the renewal fee of fifty dollars plus the department of licensing's handling fee of nine dollars;
- (5) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;
- (6) Articles of merger, twenty dollars for each listed company;
- (7) Certificate of change of registered agent, registered office address, or designation of new registered agent, ten dollars per entity name;
- (8) Resignation of registered agent, twenty dollars per entity name;
- (9) An initial report or amended annual report, ten dollars;
- (10) Registration, reservation, or transfer of name, thirty dollars;
- (11) Certificate of cancellation, administrative dissolution or dissolution by judicial decree, or revocation of certificate of authority, no fee;
- (12) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and
- (13) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 25.15.805, 25.15.810 and 23B.01.220. 99-12-007, § 434-130-090, filed 5/20/99, effective 6/20/99. Statutory Authority:

Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-090, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-100 Miscellaneous fees.** (1) For photocopies, fees are as follows:

- (a) Each annual report, five dollars;
  - (b) Certificate of formation or any single document, ten dollars;
  - (c) Amendments to articles and mergers, twenty dollars;
  - (d) All charter documents, thirty dollars;
  - (e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).
- (2) For certificates of existence fees are as follows:
- (a) With complete or specific historical data, under embossed seal, thirty dollars;
  - (b) Computer generated, under embossed seal, twenty dollars;
  - (c) Duplicate certificate, under gold or embossed seal, twenty dollars.
- (3) For each certified copy of any document the fee is ten dollars plus the copy fee.
- (4) For any service of process the fee is fifty dollars.

(5) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-100, filed 9/8/94, effective 10/1/94.]

**Chapter 434-135 WAC  
LIMITED LIABILITY PARTNERSHIPS**

**WAC**

434-135-010	Purpose and authority.
434-135-040	Telephone services.
434-135-050	Filing requirements.
434-135-060	Execution of document.
434-135-080	Filed date.
434-135-090	Annual notice—Due date—Whom notified.
434-135-120	Limited liability partnership name.
434-135-150	Initial registration—Form of content.
434-135-160	Annual notice—Form of content.
434-135-170	Amended notice—Form of content.
434-135-190	Filing fees.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

434-135-020	Official address and telephone number. [Statutory Authority: Chapter 43.07 RCW. 00-21-085, § 434-135-020, filed 10/17/00, effective 11/17/00. Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-020, filed 8/2/95, effective 9/2/95.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.-007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.-170.
434-135-030	Office hours. [Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-030, filed 8/2/95, effective

9/2/95.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170.

434-135-070

Filing duty of secretary of state. [Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-070, filed 8/2/95, effective 9/2/95.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170.

**WAC 434-135-010 Purpose and authority.** These rules are adopted under authority of chapter 25.04 RCW, the Washington Limited Liability Partnership Act.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-010, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-040 Telephone services.** (1) The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability partnerships and on filing a document relating to new limited liability partnership which is available at this number includes the following:

- (a) Exact name of limited liability partnership on file in the secretary of state's records;
- (b) Unified business identifier (UBI) number;
- (c) Date registered on the secretary of state's records;
- (d) Expiration date of registration;
- (e) Name and address of registered agent if any;
- (f) Scheduled dissolution date (if any);
- (g) Principal office address;
- (h) Status of limited liability partnership;
- (i) Filing date of most recent annual notice;
- (j) Number of partners;
- (k) State of registration;
- (l) Requirements for filing documents with the secretary of state's office.

(2) Customers may also request that forms be mailed to them by using the menu system and pressing one.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-040, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-050 Filing requirements.** (1) Duplicate copies of any documents to be filed under this chapter shall be submitted to the secretary of state. One copy must bear an original signature. The second copy may be signed with an original signature, photocopied, or be a conformed copy.

(2) Document must contain all the elements required by this chapter. It may contain other information as well.

(3) All documents shall be of no larger size than standard legal paper (8 1/2 x 14). The documents shall be submitted in form and quality which is suitable for photocopying, microfilming, or reproduction by a similar photographic process. Documents must be typed or printed in ink legibly.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-050, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-060 Execution of document.** Documents submitted for filing to the secretary of state must be executed by:

- (1) A majority in interest of the partners; or

(2) One or more partners authorized to execute the document.

The person(s) executing the documents shall print or type beneath or beside their signature their name and title indicating in what capacity they are signing.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-060, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-080 Filed date.** Documents received that conform to the requirements of this chapter shall be filed as of the date of receipt in the secretary of state's office. If the secretary of state is unable to process the documents immediately upon receipt, the documents shall be dated as of the date of receipt when processed.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-080, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-090 Annual notice—Due date—**

**Whom notified.** Each limited liability partnership shall file an annual notice by the last day of the month of its original registration as a limited liability partnership. The corporations division shall notify each limited liability partnership of its annual notice date forty-five days in advance by mailing to the partnership at its principal office or, if its principal office is not in this state, to its registered agent in care of the registered office address, in either case, as listed on the records of the secretary of state and provide the annual notice form. Failure to receive an annual notice form with such notice is insufficient reason for failure to file the statutory required annual notice.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-090, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-120 Limited liability partnership name.**

The name of a limited liability partnership shall contain the words "limited liability partnership," "L.L.P.," or "LLP."

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-120, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-150 Initial registration—Form of content.**

(1) Any domestic or foreign limited liability partnership registering under this chapter shall file its registration on the form provided by the secretary of state. The information that shall be provided is:

- (a) The name of the limited liability partnership;
  - (b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of the registered agent for service of process in this state;
  - (c) Number of partners of the limited liability partnership;
  - (d) Brief statement of the business in which the partnership engages;
  - (e) That the partnership thereby applies for status as a limited liability partnership; and
  - (f) Any other matters the partnership determines to include.
- (2) Application shall be executed by a majority in interest of the partners or one or more authorized partners.

[Title 434 WAC—p. 58]

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-150, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-160 Annual notice—Form of content.**

Any limited liability partnership filing under this chapter shall file its annual notice on the form provided by the secretary of state. The information that shall be filed on the annual notice is as follows:

Section 1.

- (a) Limited liability partnership name;
- (b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of registered agent for service of process in this state;
- (c) Unified business identification number;
- (d) Internal account number;
- (e) Date registered in Washington;

Section 2.

(a) If there has been a change in the address of principal place of business in Washington or, if the limited liability partnership's principal place of business is not located in this state, the address of the registered office and name and address of the registered agent, the correct address and name;

(b) Any other material changes in the information included in limited liability, partnership application or subsequent annual notices;

(c) Number of partners; and

Section 3. Signature of either a majority in interest of the partners or one or more authorized partners. The registration application shall include beneath or beside the signature the name and title of the person(s) signing the document.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-160, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-170 Amended notice—Form of content.**

(1) A limited liability partnership may, but is not required to, file an amended notice to notify the secretary of state of any material changes on the application or annual notice. These changes may include the following:

- (a) Change of limited liability partnership name;
- (b) Change of principal office address;
- (c) Change of registered agent or registered office address;
- (d) Change in the number of partners;
- (e) Change in the type of business the partnership engages; or
- (f) The addition of any information the partnership determines to include.

(2) The amended notice must be signed by a majority of interest of the partners or by one or more authorized partners. The amended notice shall include beneath or beside the signature the printed name and title of the person(s) signing the document.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-170, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-190 Filing fees.** For Washington registered domestic and foreign limited liability partnerships, fees are as follows:

- (1) Application for registration, both domestic and foreign, one hundred seventy-five dollars;

- (2) Amended notice, both domestic and foreign, thirty dollars;
- (3) Annual notice with required information, fifty dollars;
- (4) Annual notice with required information filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the notice fee of fifty dollars;
- (5) Resignation of registered agent, twenty dollars;
- (6) Registered agent's consent to appointment to act as agent or agent's resignation if appointed without consent, no fee;
- (7) Voluntary withdrawal, administrative dissolution or dissolution by judicial decree, no fee;
- (8) Service of process, per defendant, fifty dollars;
- (9) Reservation of name, thirty dollars; and
- (10) Any other statement or form, ten dollars.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-190, filed 8/2/95, effective 9/2/95.]

## Chapter 434-166 WAC INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION

### WAC

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(2007 Ed.)

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#### PART A GENERAL PROVISIONS AND DEFINITIONS

**WAC 434-166-010 Authority.** These rules are adopted under the authority of RCW 19.166.040 and 19.166.060 to provide for the administration of the International Student Exchange Agency Registration Act, hereafter referred to as the "act." These regulations shall be considered a supplement to and not a replacement for the act.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-010, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-020 Purpose of regulations.** The purpose of the regulations is to set minimum standards to implement the "act" in an effective and efficient manner.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-020, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-030 Official address, telephone number of the office of the secretary of state, international student exchange division.** The address to be used for delivery and receipt of mail, information, registration applications, amendments, fees, and other material required by the act is:

Office of the Secretary of State  
International Student Exchange Division  
801 Capitol Way S  
P.O. Box 40234  
Olympia WA 98504-0234

The telephone number to be used for inquiries relating to this act and to be disclosed by the organization as required by RCW 19.166.070, is: (360) 753-7120.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 00-21-086, § 434-166-030, filed 10/17/00, effective 11/17/00; 92-10-023, § 434-166-030, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-040 Office hours.** Customary hours of operation of the International Student Exchange Division are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Registration documents received after 4:00 p.m. will not be processed until the next day.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-040, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-050 Public records.** Except as provided by RCW 42.17.310, all documents relating to the International Student Exchange Division are public record and are available for public inspection and copying pursuant to rules of procedure, chapter 434-12A WAC.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-050, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-060 Public records copying charge—Exemptions.** Requests for copies or certificates relating to

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the public records of this act shall be charged per registered organization, as follows:

(1) A photocopy shall be fifty cents per page for the first ten pages and twenty-five cents per page for each additional page.

(2) A certified copy or certificate of fact shall be five dollars for the certification plus any additional copying charges.

(3) Requests for copies (whether photo or certified) or a certificate of fact by a Washington state agency in the pursuit of business shall be provided without charge.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-060, filed 4/29/92, effective 5/30/92.]

#### **WAC 434-166-070 Registration applications—**

**Grounds for denial.** Any application or form shall not be accepted by the secretary of state if it is not on the form prescribed by the secretary, or is unsigned, incomplete, illegible, or does not include all required fees, information, and documents.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-070, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-080 Definitions.** Terms defined in RCW 19.166.020 shall apply in these regulations. In addition, the following definitions shall be applicable when used in these regulations:

(1) "Secretary" means the secretary of state or an employee of the secretary acting under the authority of the secretary.

(2) "Act" means the International Student Exchange Agency Registration Act, chapter 128, Laws of 1991 and Title 19 RCW.

(3) "International student exchange visitor placement organization" or "organization" means any organization which arranges for the placement of two or more international student exchange visitors in the state of Washington during any consecutive five-year period.

(4) "International student exchange visitor" or "student" means any foreign national who:

(a) Is eighteen years of age or under, or up to the age of twenty-one; and

(b) Is engaged in full-time participation in a prescribed course of study in this state conducted by any secondary public institution of learning; and

(c) Has been selected to participate in an exchange visitor program sponsored by an international student exchange visitor placement organization; and

(d) Enters the state of Washington with a nonimmigrant visa.

(5) "Responsible officer" means the officer or employee of the international student placement organization who has primary authority for supervising placements in the state of Washington.

(6) "Responsible officer address" means the physical location of the responsible officer.

(7) "Immediate family" means the parent(s) or legal guardian(s) of an international student exchange visitor.

(8) "Nonimmigrant visa" means a visa category used by nonresident aliens whose primary purpose for visiting the United States is to study full time at an approved institution.

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(9) "Host family" means the family residing in the state of Washington that the international student exchange visitor resides with during his or her period of academic study.

(10) "USIA" shall mean United States Information Agency.

(11) "USIA regulations" means regulations promulgated by the United States Information Agency (USIA) governing exchange visitor programs designated by them.

(12) "USIA designation letter" means the letter from USIA showing acceptance into its' program.

(13) "CSIET" means the Council on Standards for International Educational Travel.

(14) "CSIET standards" means standards published by CSIET and used by the CSIET to evaluate the operations of international student exchange visitor placement organizations.

(15) "CSIET's approval for listing letter" means the letter from CSIET showing that the placement organization meets the standards set by the CSIET and has been accepted for the current listing.

(16) "High school" means any secondary public institution of learning in the state of Washington.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-080, filed 4/29/92, effective 5/30/92.]

#### **PART B INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION STANDARDS**

**WAC 434-166-090 Selection of student.** The organization shall be fully responsible for the selection of suitable students for participation in its international student exchange visitor program. Selection shall be limited to students who have a sufficient command of the English language to enable them to function well in an English-speaking academic and community environment. Students shall also be screened for demonstrated maturity, good character, and ability to derive maximum benefit from the program experience.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-090, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-100 Orientation of students and host families.** (1) The organization shall provide:

(a) Each student and immediate family of each student with suitable orientation prior to departure from their home and upon arrival in the state of Washington to acquaint them in advance with the customs of the state of Washington and the United States. In addition, they shall be provided with detailed knowledge of the school and academic program in which he or she will be participating and information relating to their host family.

(b) Each host family with suitable orientation in advance of the student's arrival, including information on family, school, and cultures of the student's native country, as well as information relating to the academic program in which the student will be enrolled in.

(2) Each organization shall maintain in their records a copy of the letters used to notify the student, immediate family, and host family of the above information.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-100, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-110 Health and accident insurance.**

(1) Each organization shall ensure that every student participating in the exchange program has health and accident insurance from the time of departure from home to the time the student returns to his or her home country. Minimum acceptable insurance is:

(a) Medical and accident coverage of fifty thousand dollars per illness or accident;

(b) Preparation and transportation of remains to the student's home country (minimum of five thousand dollars) in the event of death. Coverage may be provided in one of the following ways:

- (i) By the student;
- (ii) By the organization.

(2) The organization is responsible for providing each student, each student's immediate family and the host family detailed printed information regarding the terms and limits of insurance coverage and procedures for filing a claim (including forms wherever possible).

(3) The organization shall maintain in its files proof of health and accident insurance.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-110, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-120 Acceptance of students.** No student shall be brought into the state of Washington by the organization unless he or she has been accepted in writing as a student by the legally authorized designee of the admitting high school. The organization shall maintain in its files copies of such documents authorizing enrollment.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-120, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-130 Selection of host family.** (1) The organization is responsible for making all arrangements for the placement of each student with a host family whose home is located in a place convenient to the educational institution in which the student is to be enrolled.

(2) The organization shall make every effort to assure the maximum degree of compatibility between the family and the student, including, wherever possible, the presence in the family of a teenage student.

(3) The organization's representative shall visit the home of, and personally interview, each host family before a student is assigned to such family.

(4) The organization shall ensure that its representative selects only those homes which reflect the high quality expected of the International Student Exchange Agency Program.

(5) A written record shall be made of this visit and interview by the representative, a copy of which shall be maintained by the organization.

(6) Selection of host families and assignment of students shall be made as far in advance of the student's arrival as possible, but in no event less than three weeks prior to departure from the student's home.

(7) No organization shall bring a student into the United States without written acceptance from the host family.

(8) The host family shall be advised in writing of the name, age, educational status, other background information, and anticipated arrival time of the assigned student.

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(9) The student's immediate family shall be advised in writing of the name, address, family composition, and other background information concerning the host family at the earliest possible time, to permit the exchange of correspondence between the respective families in advance of the student's arrival.

(10) Copies of these notifications shall be maintained in its files by the organization.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-130, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-140 Host family housing requirements for students.** (1) Each organization shall be responsible for placing the student with a host family which can provide housing which:

(a) Furnishes separate private sleeping quarters for each sex;

(b) A bed of his or her own; and

(c) No more than four persons to a bedroom.

(2) The host family's home, and household equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair. The home shall be accessible to other resources in the event of an emergency (e.g., telephone, emergency services, etc.).

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-140, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-150 Change in host family assignment.** If unforeseen events occur and it is in the best interest of the student, the organization may make a change in the host family assignment of a student. Reports of any such changes and the reasons therefore shall be retained by the organization. Notification of any change shall be sent within twenty-four hours to the immediate family, host families, and the school of placement.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-150, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-160 Employment of students.** (1) Each organization shall advise its students that they may not accept or undertake regular employment while enrolled in the program.

(2) Students may engage in occasional intermittent jobs, such as tutoring, grass-cutting, baby-sitting and the like.

(3) Students may not perform the duties of a household domestic for compensation or otherwise in the home of the host family.

(4) Students may be asked to assist in normal daily chores in the host family household which other members of the family perform.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-160, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-170 Supervision by organization.** The organization shall maintain continuous personal contact with each of its' students, the host family, and the high school in which each student is enrolled. The organization shall initiate action to attempt to resolve any problems which may arise with respect to the student's participation in his or her aca-

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demic program or with respect to the student's relationship with his or her host family.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-170, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-180 Travel responsibility of organization.** (1) Each organization shall be responsible for maintaining records of prepaid travel arrangements of all students placed in the state of Washington by the organization.

(2) Transportation must be provided both to and from the student's home to their destination by air and/or surface modes of commercial transportation.

(3) Travel arrangements shall be carried out by the purchase of a roundtrip ticket or tickets to their final destinations for each student prior to the entry of each student into the state of Washington. These travel arrangements may be made either:

- (a) By the organization; or
- (b) By the student.

(4) A copy of the travel itinerary and a copy of the prepaid roundtrip ticket shall be maintained by the organization in their files.

(5) A copy of the prepaid roundtrip ticket shall be given to the host family.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-180, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-190 Information to be provided.** (1)

An international student placement agency shall provide each student, each student's immediate family, and the host family with an informational document regarding the agency services, in English, which shall contain at a minimum: Disclosure of all monies paid to the agency which are to be paid to the host family, students, or for special or additional activities during the program period. The timing and method of payment are to be specified.

(2) In addition, each student and host family shall receive a statement which includes the amount of the fee to be charged to the student.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-190, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-200 Agency records requirements.** (1)

Each organization shall keep records at the organizational office of services rendered to host families and students. The records and obligations shall include:

(a) The name, home address, and telephone number of the student (in that student's home country) to whom services are provided or promised.

(b) The name, address, and telephone number of the host family with whom the student is placed, which shall be on file at least seven days prior to the student's arrival in the state of Washington.

(c) Document that each student entered the state with a nonimmigrant visa and is enrolled in a public secondary educational institution.

(d) Document that authorizes enrollment in school of acceptance.

(e) Copy of written records of interview between the organization's representative and the host family.

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(f) Copy of correspondence to the student's immediate family advising them of the name, address, family composition, and other background information concerning the host family.

(g) Copy of correspondence to host family(ies) advising them of the name, age, educational status, other background information, and anticipated arrival time of student.

(h) The amount of the organization's fee(s) charged to a student and an itemization of the services attributable to individual portions of the fee(s).

(i) A complete copy of any written agreements entered into between the organization, students, and the host families.

(j) Copy of health and accident insurance policy covering participating students and a statement of how coverage shall be provided.

(2) The records shall be maintained for a period of one year from the date on which the student departs from the state of Washington. For purposes of investigating a complaint or otherwise assuring compliance with this chapter and rules adopted thereunder, the records shall be subject to inspection by the secretary, upon request.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-200, filed 4/29/92, effective 5/30/92.]

## PART C CONDITIONS APPLICABLE TO REGISTRATION

**WAC 434-166-210 Appointment of a responsible officer and responsible officer address.** (1) Each organization shall appoint and continuously maintain a responsible officer, as required by RCW 19.166.040, who has primary responsibility for supervising placements within the state of Washington.

(2) The responsible officer shall be an employee or officer of the organization.

(3) The person who signs the application as responsible officer as required by RCW 19.166.040(2) shows acceptance of assuming the duties of the responsible officer.

(4) The responsible officer shall have an address which shall be a specific geographic location, and be identified by number, if any, and street, or building address, or rural route, city, state, and zip code or, if a commonly known street or rural route does not exist, by legal description. The responsible officer's address may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary may permit the use of a post office address in conjunction with the geographic location if they are located in same city, if, the organization also maintains on file the specific geographic address of the Washington office.

[Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. 99-16-066, § 434-166-210, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-210, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-220 Change of responsible officer and/or responsible officer address.** An organization may change its responsible officer or responsible officer address by delivering to the secretary, within thirty days of the change, a statement of change that sets forth:

- (1) The name of the organization;
  - (2) If the current officer address is to be changed, the street address of the new officer address in accordance with WAC 434-166-210;
  - (3) If the current responsible officer is to be changed, the name of the new responsible officer and the new officer's written consent accepting the responsibility of the responsible officer.
- [Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-220, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-230 Resignation of responsible officer.** (1) A responsible officer may resign by signing and delivering to the secretary of state for filing a statement of resignation. The statement must also include a statement that the responsible officer address is also discontinued.

(2) After filing the statement the secretary of state shall mail a copy of the filed statement to the organization at its organizational address.

(3) The organization shall appoint a new responsible officer and responsible officer address within thirty days of notification.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-230, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-240 Duties of the responsible officer.** The officer who signs the application consenting to serve as responsible officer, shall:

(1) Accept all official communications and inquiries from the secretary on behalf of the organization.

(2) Maintain copies of all documentation, as required by WAC 434-166-200, on behalf of the organization for each individual student placed in the state of Washington.

(3) Furnish all documentation, information, reports, documents, books, files, and other records requested by the secretary on all matters relating to the students placed in Washington by the organization.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-240, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-250 Individual located in state of Washington.** (1) The organization shall maintain an in-state telephone number as required by RCW 19.166.070. This telephone number shall be registered to an individual residing in the state of Washington, which may be:

- (a) An employee for the organization; or
- (b) An officer for the organization; or
- (c) A volunteer for the organization.

(2) The organization shall insure that this individual has:

(a) A listing of all placements of students by the organization and the location of each in the state of Washington;

(b) Knowledge of emergency procedures;

(c) Twenty-four-hour contact with the organization for emergencies;

(d) Knowledge and capability to assist and advise the students in their relationship with the organization.

(3) Each individual maintaining the in-state telephone number for the organization shall sign a written agreement with the organization. A copy of which shall be submitted to the secretary with the registration application.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-250, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-260 Requirement to register.** Each organization operating in Washington is required to register with the secretary, if two or more students are placed in Washington public high schools within a five year period. Registration is due in the office of the secretary during the enrollment period of March 1st through June 15th preceding the beginning of the next school year.

Organizations governed by chapter 19.166 RCW and also registered as a nonprofit corporation under Title 24 RCW shall renew both registrations concurrently in the enrollment period specified in this section.

The secretary shall provide, annually, a list of all international student exchange agencies registered as of June 15th to the superintendent of public instruction on or before August 5th of the same year.

[Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. 96-10-052, § 434-166-260, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-260, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-270 Transaction of business or conducting affairs.** No organization that is a foreign corporation or limited partnership defined in RCW 23B.01.400(2), 24.03.005(2), 24.06.005(2) and 25.10.010(4) will be registered under this program unless and until the organization complies with foreign corporation or limited partnership registration requirements.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-270, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-280 Application for registration.** (1) Any organization meeting the requirements set forth in chapters 19.166 RCW and 434-166 WAC shall register with the secretary of state. Such registration shall be made on a form prescribed by the secretary of state and filed with the secretary's office.

(2) The applicant must also provide evidence that they have met the established standards as an international student exchange visitor placement organization, by:

(a) Submitting a copy of the USIA's Designation Letter showing current registration; or

(b) Submitting a copy of the CSIET's Approval for Listing Letter showing current registration; or

(c) Submitting a notarized statement, on a form prescribed by the secretary of state, declaring that the organization has met all standards and obligations as required by chapters 19.166 RCW and 434-166 WAC.

(3) Registrations filed during the enrollment period specified in WAC 434-166-260 are valid until June 15th of the next year. All other registrations expire June 15th of the next enrollment period.

[Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. 96-10-052, § 434-166-280, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-280, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-290 Application for reregistration.** (1) Prior to the expiration of the registration period, organizations may seek reregistration within the enrollment period

specified in WAC 434-166-260 by completing the registration requirements as set forth in RCW 19.166.040 and WAC 434-166-280.

(2) The secretary may mail a reregistration form to the responsible officer/responsible officer address within forty-five days prior to the registration expiration.

(3) Failure of the secretary to notify the organization of reregistration does not relieve the organization's obligation for filing its' reregistration documents.

(4) Applications to reregister must be filed by the due date specified by RCW 19.166.040; no extensions will be granted by the secretary.

[Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. 99-16-066, § 434-166-290, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. 96-10-052, § 434-166-290, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-290, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-300 Fees.** (1) Organizations required to register or reregister under RCW 19.166.030 and chapter 434-166 WAC shall pay a fee of fifty dollars per application.

(2) A notification of change of information required under RCW 19.166.050 shall be accepted without fee.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-300, filed 4/29/92, effective 5/30/92.]

## PART D TERMINATION AND REVOCATION OF INTERNATIONAL STUDENT EXCHANGE ORGANIZATION'S REGISTRATIONS

**WAC 434-166-310 Termination.** Registrations of organizations shall be terminated when any of the following circumstances set forth occur:

(1) Voluntary termination. An organization may voluntarily terminate its registration by notifying the secretary of such intent. The organization's registration shall terminate upon such notification.

(2) Failure to apply for reregistration. Failure to apply for reregistration will result in the automatic termination of the organization's registration. If so terminated, the former organization must apply for a new registration.

(3) Loss of license, permit or accreditation. An organization's registration shall automatically terminate in the event that the organization fails to remain in compliance with local, state statute and regulations, federal, or professional requirements necessary to carry out the activities for which it was registered.

(4) Ownership change. An organization's registration shall automatically terminate in the event of a change of structure of the organization.

(5) Failure to notify. An organization's registration shall automatically terminate in the event the organization fails to notify the secretary within thirty days of any changes in their registration documents within thirty days, as required by RCW 19.166.040(3).

[Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. 99-16-066, § 434-166-310, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-310, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-320 Responsibilities of organization upon termination.** (1) The termination of the organization's registration shall not relieve the organization's obligation to all students who are in the state of Washington.

(2) The organization shall immediately cancel any student's exchange visit prior to entry to the state of Washington unless a transfer to another registered program can be obtained.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-320, filed 4/29/92, effective 5/30/92.]

## PART E MISCELLANEOUS PROVISIONS

**WAC 434-166-330 Adherence to regulations.** Organizations are required to adhere to regulations set forth in chapters 19.166 RCW and 434-166 WAC.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-330, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-340 Requests by secretary of state.** Organizations shall furnish all information, reports, documents, books, files, and other records requested by the secretary on all matters related to the organization's international student exchange visitor placement programs.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-340, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-350 Inquiries and investigations.** Organizations shall cooperate fully with any inquiry or investigation that may be undertaken by the secretary.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-350, filed 4/29/92, effective 5/30/92.]

## Chapter 434-180 WAC ELECTRONIC AUTHENTICATION

### WAC

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434-180-540	Stay of summary suspension.
434-180-550	Review of orders regarding stay.
434-180-560	Adjudicative proceedings—Appearance and practice before the secretary—Who may appear.
434-180-590	Brief adjudicative proceeding regarding certificate suspension.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-180-110	Office address, hours, and telephone number. [Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111, and 19.34.400. 00-21-087, § 434-180-110, filed 10/17/00, effective 11/17/00; 97-24-053, § 434-180-110, filed 1/16/97, effective 12/27/97.] Repealed by 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170.
434-180-235	Sufficient working capital. [Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-235, filed 11/26/97, effective 12/27/97.] Repealed by 98-16-031, filed 7/29/98, effective 8/29/98. Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33.

#### PART 1 GENERAL PRINCIPLES

##### **WAC 434-180-100 Scope and purpose of chapter.**

This chapter implements the Washington Electronic Authentication Act, codified as chapter 19.34 RCW.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-100, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-120 Definitions.** For purposes of this chapter, all terms defined in RCW 19.34.020 have the meanings set forth in statute. Additionally, the following terms shall have the following meanings:

(1) "Operative personnel" means one or more natural persons acting as an agent of a licensed certification authority, or in the employment of, or under contract with, a licensed certification authority, and who have:

(a) Managerial or policy making responsibilities for such licensed certification authority; or

(b) Duties directly involving the issuance of certificates (including the identification of persons requesting a certificate from a certification authority), creation of private keys,

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or administration of a licensed certification authority's computing facilities.

(2) "Managerial or policy making responsibilities" means direct responsibility for the day-to-day operations, security and performance of those business activities that are regulated under chapter 19.34 of the Revised Code of Washington. If a licensed certification authority is a corporation, then it is presumed that the members of the board of directors, among others, exercise managerial or policy making responsibilities, unless the board delegates those duties in writing to one or more officers or employees of the corporation.

(3) "Presiding officer" means the secretary or an administrative law judge assigned to preside over an adjudicative hearing pursuant to this chapter.

(4) "X.509" means the specific set of technical standards identified by that name which were adopted by the international telecommunication union, formerly known as the international telegraph and telephone consultation committee. For purposes of these rules, all references to X.509 shall be construed as referring to version 3. Compliance with only versions 1 or 2 shall not be construed as compliance with X.509.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-120, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-130 Fees.** Fees for services performed by the secretary of state are established in the following amounts:

(1) For application for a license as a certification authority:

(a) For the applicant's first year doing business as a licensed certification authority in this state: One thousand four hundred dollars;

(b) For the applicant's second year doing business as a licensed certification authority in this state: One thousand eight hundred dollars; and

(c) For the applicant's third or subsequent year doing business as a licensed certification authority in this state: Two thousand eight hundred dollars.

(2) For recognition as a repository, in addition to the license issuance or renewal fee paid pursuant to this section:

(a) For the applicant's first year doing business as a recognized repository in this state: One thousand four hundred dollars;

(b) For the applicant's second year doing business as a recognized repository in this state: One thousand eight hundred dollars; and

(c) For the applicant's third or subsequent year doing business as a recognized repository in this state: Two thousand eight hundred dollars.

(3) For recognition of a foreign license: One-half of the otherwise applicable fee as set forth under subsection (1) or (2) of this section.

(4) For qualification of operative personnel:

(a) For administering and scoring the examination required by WAC 434-180-215(3), fifty dollars per individual; and

(b) For qualifying operative personnel pursuant to WAC 434-180-215 and 434-180-220, other than (or in addition to) administering and scoring the examination, twenty-five dollars per individual.

[Title 434 WAC—p. 65]

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-130, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-130, filed 11/26/97, effective 12/27/97.]

## PART 2 CERTIFICATION AUTHORITY LICENSE APPLICATION, SUSPENSION, REVOCATION

### **WAC 434-180-200 Application for license as a certification authority.**

**Any person desiring to be licensed as a certification authority must file an application pursuant to this chapter demonstrating compliance with the requirements of RCW 19.34.100. To apply for a license, an applicant must submit all of the following:**

(1) A completed application form as prescribed by WAC 434-180-210;

(2) The fee or fees provided by WAC 434-180-130;

(3) A certificate that shows the applicant as subscriber and is published in a recognized repository;

(4) A suitable guaranty, described by WAC 434-180-225, unless the applicant is a self-insured city, a self-insured county, or the department of information services of the state of Washington;

(5) Documentation, in the form of an information systems audit report, establishing that the applicant has the use of a trustworthy system as defined by WAC 434-180-360. The audit required by this subsection shall be performed pursuant to WAC 434-180-240, except that it is not required to establish anything more than that the applicant has the use of a trustworthy system;

(6) Materials establishing, to the satisfaction of the secretary that each person listed as operative personnel has qualified to act as operative personnel pursuant to WAC 434-180-215; and

(7) A written certification practice statement as described in WAC 434-180-330.

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-200, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-200, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-203 Designation of confidential information.** Any certification authority, recognized repository, or applicant for licensure or recognition who believes that any information submitted to the secretary is legally exempt from public disclosure, inspection, or copying pursuant to law may designate such records upon submission to the secretary. Such designation does not conclusively establish the application of any exemption, but will assist the secretary in correctly responding to requests for public records. Any designation shall specify the precise information the party regards as subject to an exemption, and precise statute establishing the exemption.

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-203, filed 7/29/98, effective 8/29/98.]

**WAC 434-180-205 Issuance of license or renewal.** The secretary shall, within a reasonable time, issue or renew a license as a certification authority if the applicant has:

(1) Submitted all documentation required by WAC 434-180-200 and 434-180-210; and

(2) The secretary has determined that the applicant meets all requirements for licensure.

(3) Issuance or renewal of a license shall be valid for a period of one year. Failure to receive a notice of the need to renew a license is an insufficient reason for failing to file the required application for renewal.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-205, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-210 Form.** Each application for a license, or renewal of a license, as a certification authority shall be submitted on a form prescribed by the secretary. The completed form shall contain the following:

(1) The name of the applicant;

(2) The applicant's uniform business identifier number, if any;

(3) The mailing address of the applicant, and a physical address if different;

(4) The telephone number of the applicant;

(5) The electronic mail address of the applicant;

(6) The name and address of the applicant's registered agent for service of process, other than the secretary. Address information shall include a physical address, but may additionally provide a mailing address if different;

(7) The names of all operative personnel; and

(8) The appointment of the secretary of state as the applicant's agent for service of process.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-210, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-215 Certification of operative personnel.** The secretary shall not issue or renew a license as a certification authority unless the licensee documents that every individual employed or acting as operative personnel qualifies to act as operative personnel. This documentation shall include:

(1) Receipt of a completed form, signed by the individual under penalty of perjury, stating:

(a) The name (including all other names used in the past), date of birth, and business address of the individual;

(b) That the individual has not been convicted within the past seven years of a felony and has never been convicted of a crime involving fraud, false statement, or deception in any jurisdiction; and

(c) If the individual has resided in any nation other than the United States during the previous five years, the name of that nation and the period of residency.

(2) A criminal background check supporting the declaration required by subsection (1) of this section. This requirement is excused as to any individual for whom documentation satisfying this paragraph was submitted within the previous two years, even if the individual has changed employment. This check must include both of the following:

(a) A criminal background check compiled by a private sector provider, documenting a background check reasonably sufficient to disclose any criminal convictions within the pre-

vious seven years in any state or federal jurisdiction in the United States, its territories, or possessions, and any other jurisdiction specified pursuant to subsection (1)(c) of this section. This background check must contain information that is current to within thirty days of its date of submission; and

(b) The certified results of a criminal background check performed by the Washington state patrol or law enforcement agency where the operative personnel reside and are employed for the previous seven years, dated not more than thirty days prior to submission or such other jurisdictions as the secretary may reasonably request. Such check shall be performed using the individual's fingerprints.

(3) Satisfactory completion by the individual of a written examination demonstrating knowledge and proficiency in following the requirements of the Washington Electronic Authentication Act and these rules. The secretary shall develop an open book written test covering the subject matter of the act, and provide it upon request, which may include electronic access. The secretary may update or modify the test from time to time. The secretary shall indicate at the top of the test the percentage or number of questions that must be answered correctly in order to constitute satisfactory completion. No individual may take the examination more than once within a period of thirty days. A certification by the secretary that an individual has successfully completed this examination shall be valid for two years, and shall continue to satisfy the requirements of this subsection even if the individual changes employment.

(4) A licensed certification authority must remove a person from performing the functions of operative personnel immediately upon learning that the person has been convicted within the past seven years of a felony or has ever been convicted of a crime involving fraud, false statement, or deception, and must notify the secretary of this action within three business days.

[Statutory Authority: Chapter 19.34 RCW and 1998 c 33. 99-02-047, § 434-180-215, filed 1/4/99, effective 2/4/99. Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-215, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-215, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-220 Qualification of newly designated operative personnel.** No licensed certification authority may assign any individual to perform the functions of operative personnel if that individual has not been certified by the secretary pursuant to WAC 434-180-215. Such certification may be obtained by application to the secretary at any time, without regard to the time at which the certification authority's license is subject to renewal.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-220, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-225 Suitable guaranty.** (1) The suitable guaranty required for licensure as a certification authority may be in the form of either a surety bond executed by an insurer lawfully operating in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state.

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(2) The suitable guaranty must be in an amount of at least fifty thousand dollars.

(3) As to form, the suitable guaranty must:

(a) Identify the insurer issuing the suitable guaranty or financial institution upon which it is drawn, including name, mailing address, and physical address, and identify by number or copy its licensure or approval as a financial institution, or in the case of an insurer, as an insurer in this state;

(b) Identify the certification authority on behalf of which it is issued;

(c) Be issued payable to the secretary for the benefit of persons holding qualified rights of payment against the licensed certification authority named as principal of the bond or customer of the letter of credit;

(d) State that it is issued for filing under the Washington Electronic Authentication Act; and

(e) Specify a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-225, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-240 Compliance audits.** (1) A licensed certification authority shall obtain a compliance audit at least once every year. The auditor shall issue an opinion evaluating the degree to which the certification authority conforms to the requirements of this chapter and of chapter 19.34 RCW. If the certification authority is also a recognized repository, the audit must include the repository.

(2) For purposes of the opinion required by this section, the auditor shall exercise reasonable professional judgment as to whether a condition that does not strictly comply with legal requirements is or is not material, taking into consideration the circumstances and context. Noncompliance as to any of the following shall be deemed material, in addition to any others the auditor may judge to be material:

(a) Any condition of noncompliance with statute or rule that relates to the validity of a certificate;

(b) Any employee performing the functions of operative personnel who has not qualified pursuant to WAC 434-180-215;

(c) Any material indication that the certification authority has used any system other than a trustworthy system.

(3) An audit may be performed by any licensed certified public accountant, or, in the case of a public agency, by the Washington state auditor. For purposes of this section, licensed certified public accountants include any person holding a certified public accountant certificate issued pursuant to chapter 18.04 RCW, or any licensee under any equivalent law of any other jurisdiction. Any auditor, or group of auditors, performing an audit pursuant to this section shall include at least one individual who has been issued a current and valid certificate as either a certified information systems auditor, by the information systems audit and control foundation, or as a certified information systems security professional, by the International Information Systems Security Certification Consortium. The names of all individuals possessing such certificates shall be disclosed in the audit report, or in a cover letter accompanying that report.

(4) The certification authority shall file a copy of the audit report with the secretary, prior to the date the certifica-

tion authority must renew its license pursuant to WAC 434-180-205. At the certification authority's option, it shall be sufficient to file a portion of the report if that report summarizes all audit exceptions and conditions of noncompliance (including, but not limited to, those stated in subsection (2) of this section) stated in the full report, and bears the auditor's signature. The report may be filed electronically, if it is validly digitally signed by the auditor, using a licensed certification authority. The secretary shall publish the report, or summary, in the certification authority disclosure record it maintains for the certification authority.

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-240, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-240, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-245 Recognition of foreign licenses.**

(1) A certification authority licensed as such by a governmental entity other than the state of Washington, may act as a licensed certification authority in Washington only if, in addition to meeting any other requirements established by law for the transaction of business, it either:

(a) Obtains a license as a certification authority from the secretary; or

(b) Provides to the secretary a certified copy of a license issued by a governmental entity whose licensing or authorization requirements the secretary has found to be substantially similar to those of Washington, together with the fee required by WAC 434-180-130. A license recognized under this subsection shall be valid in Washington only during the time it is valid in the issuing jurisdiction.

(2) The secretary may certify that the licensing or authorization requirements of another jurisdiction are substantially similar to those of Washington if, in order to obtain a license, the controlling law of the other jurisdiction requires that a licensed certification authority:

(a) Issue certificates based upon a system of public key cryptography using a trustworthy system. The law or administrative rule of another jurisdiction must establish standards determining what constitutes a trustworthy system. Those standards may differ from Washington's standards as set forth under WAC 434-180-360 as long as they are substantially similar in purpose and result;

(b) Provide a suitable guaranty in an amount of at least twenty-five thousand dollars;

(c) Employ as operative personnel only individuals who have demonstrated knowledge and proficiency in the requirements of the law regarding digital signatures, and who are free of felony criminal conviction for a minimum of seven years; and

(d) Be subject to a legally established system of enforcement of licensure requirements.

(3) If the requirements of another jurisdiction fail to be certified as substantially similar to those of Washington only because they do not satisfy subsection (2)(c) of this section, then the secretary shall recognize the license of a particular certification authority licensed by that jurisdiction if the certification authority complies with subsection (1)(b) of this section and, in addition, employs as operative personnel only

individuals whom the secretary has certified pursuant to WAC 434-180-215.

(4) The secretary shall publish in the *State Register*, and make available upon request, a list of those jurisdictions which the secretary has certified pursuant to subsection (2) of this section. If a jurisdiction is not included in the list most recently published in the *State Register*, the secretary shall consider whether certification of such jurisdiction should be added, upon request of either the jurisdiction or a certification authority licensed by that jurisdiction and upon receipt of an English language copy of the applicable laws and regulations of that jurisdiction.

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-245, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-245, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-250 Revocation or suspension of license.**

(1) The secretary may revoke or suspend a license, pursuant to chapter 34.05 RCW, for failure to comply with any requirement of chapter 19.34 RCW or this chapter, for failure to remain qualified for a license pursuant to chapter 19.34 RCW or this chapter, or for failure to comply with a lawful order of the secretary.

(2) The secretary shall inform a licensed certification authority by written order, by mail directed to the mailing address or electronic mail address listed on the licensee's application, of a decision to revoke or suspend the license. The notification shall state when the revocation or suspension shall be effective, which shall not be less than thirty days following the issuance of the order except in the case of a summary suspension pursuant to WAC 434-180-255.

(3) If the licensee files an application for an adjudicative hearing, pursuant to WAC 434-180-500, prior to the effective date of revocation or suspension, the suspension or revocation shall not take effect until so ordered by the presiding officer, except in the case of a summary suspension pursuant to WAC 434-180-255.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-250, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-255 Summary suspension of license.**

The secretary may order the summary suspension of a license pending proceedings for revocation or other action, as described in RCW 19.34.100(4). A summary suspension of a license is effective immediately upon issuance.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-255, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-260 Technical assistance program.**

(1) This section describes the secretary's technical assistance program for licensed certification authorities, including recognized repositories. This section implements RCW 43.05.-020, by providing for the dissemination of information to licensed certification authorities regarding the requirements of the Washington Electronic Authentication Act and this chapter. It is not intended as a method of providing general business advice to certification authorities, or technical information to the general public, although any member of the

public may receive written materials described in this section upon request.

(2) The technical assistance program shall consist of the following:

(a) Technical assistance visits: The secretary, in his or her discretion, may conduct a technical assistance visit, as described by RCW 43.05.030, either by the request or the consent of a licensed certification authority. The secretary is not required to conduct a technical assistance visit.

(b) Printed information: The secretary shall develop, and make available upon request, printed information outlining the requirements of chapter 19.34 RCW and this chapter. This information should not be regarded as a comprehensive guide to conducting business as a certification authority.

(c) Information and assistance by telephone: A licensed certification authority or applicant for licensing or recognition, may contact the secretary's office by telephone during normal business hours at the number listed in WAC 434-180-110. The secretary's office shall provide information regarding the licensing and recognition requirements of chapter 19.34 RCW, and this chapter, but no representation or conclusion offered shall be binding upon the secretary.

(d) Training meetings: The secretary may, in his or her discretion, conduct meetings for the purpose of providing training regarding requirements for licensure or recognition.

(e) List of organizations providing technical assistance: The secretary shall compile, and make available upon request, a list of organizations, including private companies, that provide technical assistance to certification authorities. The secretary shall compile this list from information submitted by the organizations and shall not constitute an endorsement by the secretary of any organization.

(3) If the secretary determines, during or within a reasonable time after a technical assistance visit, that the licensed certification authority has violated any statute or rule, the secretary shall notify the certification authority in writing and specify a reasonable period of time to correct the violation before any civil penalty may be imposed. The notification shall include a copy of the specific statute or rule violated. After the expiration of a reasonable time period conveyed to the certification authority, the secretary may revisit the certification authority and issue civil penalties with regard to any uncorrected violations, for which notice was provided.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-260, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-265 Civil penalties.** The secretary may, by order, impose and collect a civil monetary penalty against a licensed certification authority for a violation of chapter 19.34 RCW as provided by RCW 19.34.120.

(1) Penalties imposed under this section shall not exceed ten thousand dollars per incident, or ninety percent of the recommended reliance limit of a material certificate, whichever is less. In case of a violation continuing for more than one day, each day is considered a separate incident. In the case of a state agency authorized by law to become a licensed certification authority, the sole penalty imposed pursuant to this section shall consist of specific findings of noncompliance and an order requiring compliance with this chapter and the rules of the secretary. Any penalty imposed pursuant to this

chapter and chapter 34.05 RCW shall be enforceable in the superior court.

(2) In assessing penalties under this section, the secretary shall:

(a) Issue to the licensed certification authority a notice of apparent noncompliance, specifying the provisions of statute or rule with which the certification authority is not in compliance and the range of possible sanctions;

(b) Specify a time period of not less than thirty days during which the certification authority may respond in writing to the notice of apparent noncompliance;

(c) If the certification authority does not respond in writing within the specified period, or obtain a written extension of that period, then the secretary may impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500;

(d) If the certification authority does respond in writing:

(i) If the secretary deems the response to satisfactorily demonstrate compliance with the provisions referenced in the notice, then the secretary shall terminate this process without imposing any penalty;

(ii) If the secretary does not deem the response satisfactory, then the secretary may either:

(A) Issue a new or revised notice pursuant to (a) of this subsection; or

(B) Impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500.

[Statutory Authority: Chapter 19.34 RCW. 99-02-048, § 434-180-265, filed 1/4/99, effective 2/4/99. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-265, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-270 Criteria for determining penalty amounts.** In determining the appropriate penalty amount against a licensed certification authority for violation of chapter 19.34 RCW or this chapter, the secretary may consider the nature of the violation and the extent or magnitude of the severity of the violation, including:

(1) The damages arising from the violation including:

(a) The financial impact of the violation to any subscriber, relying party, or any other person;

(b) The amount of money obtained, or profit derived, by the certification authority as a result of the violation;

(c) The costs incurred by the state in enforcement, including reasonable investigative costs;

(d) The nonfinancial consequences of the violation, including harm to any subscriber, relying party, or other person;

(2) The nature of the violation, including whether it was continuing in nature, involved criminal conduct, or tended to significantly impair the reliability of any certificate or key pair;

(3) The presence of any aggravating circumstances, including whether the violator:

(a) Intentionally committed the violation with knowledge that the conduct constituted a violation;

(b) Attempted to conceal the violation;

(c) Was untruthful or uncooperative in dealing with the secretary or the secretary's staff;

(d) Had committed prior violations found by the secretary;

(e) Incurred no other sanction as a result of the violation;

(4) The presence of any mitigating circumstances, including whether the violator:

(a) Had taken any prior action to correct the violation or mitigate its consequences;

(b) Had previously paid any damages to any party resulting from the violation;

(c) Acted without intention to commit a violation; or

(d) Acted reasonably in light of any other mitigating factors deemed relevant by the secretary.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-270, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-275 Recovery against suitable guaranty.** (1) To recover a qualified right to payment against a surety or issuer of a suitable guaranty, pursuant to RCW 34.10.290, the claimant must:

(a) File a signed notice of the claim with the secretary stating the name and address of the claimant, the amount claimed, the grounds for the qualified right to payment, the date of the occurrence of the violation forming the basis of the claim; and

(b) Append to the notice a certified copy of the judgment on which the qualified right to payment is based, except as provided in subsection (2) of this section.

(2) If the notice pursuant to subsection (1)(a) of this section is filed prior to entry of judgment, the secretary shall hold such notice on file, without further action, until the claimant files a copy of the judgment. If the secretary determines that the litigation identified in the notice has been finally resolved without a judgment providing the claimant with a qualified right to payment, the secretary may expunge the notice from his or her records. The secretary shall not expunge a notice until three years have elapsed since it was first filed.

(3) The secretary shall reject a notice for filing if the date of the occurrence of the violation is more than three years prior to the filing of the notice.

(4) If a notice and judgment are filed pursuant to subsection (1) of this section, the secretary shall provide the notice and judgment to the surety or issuer.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-275, filed 11/26/97, effective 12/27/97.]

### PART 3 CERTIFICATION AUTHORITY STANDARDS AND PRACTICES

**WAC 434-180-300 Form of certificates.** (1) Certificates issued by licensed certification authorities shall follow the Basic Certificate Field Standards specified in standard X.509, part one, section 4.1. Certificate data extension fields are optional. If certificate extension fields are used, usage must conform to the required guidelines referenced in X.509 section 4.1.2.1, section 4.2, and may be displayed on the certificate.

(2) Any certificate issued by a licensed certification authority that is to be used as an acknowledgment, as provided in RCW 19.34.340, shall include a certificate data extension field that specifies the reliance limit, if any, and a

certificate data extension field that states that the certificate may be used as an acknowledgment.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-300, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-310 Recordkeeping and retention.** (1) Every licensed certification authority shall make, keep, and preserve the following records:

(a) Such records as are necessary to demonstrate compliance with RCW 19.34.100 (1)(b), (c), (e), (f), and (g);

(b) Such records as are necessary to demonstrate compliance with RCW 19.34.210 (1)(a), (b), and (2);

(c) All notices of suspension of certificates pursuant to RCW 19.34.210(4), together with such other documents as required to demonstrate compliance with RCW 19.34.210;

(d) Such records as are necessary to demonstrate compliance with RCW 19.34.250(1);

(e) Such records as are necessary to demonstrate compliance with RCW 19.34.260 (1), (2), (3), (4), and (5); and

(f) Such records as are necessary to demonstrate compliance with RCW 19.34.290(1).

(2) Every licensed certification authority shall maintain a data base file which shall contain records of the identity of the subscriber named in each certificate issued by the certification authority, which identity is to include all the facts represented in the certificate, the date of issuance of the certificate, and number of the certificate.

(3) Every licensed certification authority shall maintain a date base file of every time-stamp issued by the certification authority, to include sufficient information so that the identity of the subscriber and the item being time stamped can be identified.

(4) Every licensed certification authority shall retain in a trustworthy fashion the following records for the following periods:

(a) All records identified in subsections (2) and (3) of this section for a period of at least ten years after the date a certificate is revoked or expired, or after a time-stamp is affixed; and

(b) All other records required to be retained under this section shall be retained for at least five years.

(5) Records may be kept in the form of paper-based documents, retrievable computer-based documents, or any form of reproduction approved by the state archivist for essential records pursuant to chapter 40.10 RCW. Such records shall be indexed, stored, preserved and reproduced so as to be accurate, complete, and accessible to an auditor. Certificate extension data, referenced in X.509 section 4.2, is not required to be part of any publicly accessible record.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-310, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-320 Certification authority disclosure records.** (1) The secretary shall compile and maintain certification authority disclosure records for each certification authority that has been issued a current and valid Washington certification authority license. The secretary shall publish them in the secretary's repository and any other recognized repository the secretary deems appropriate. Each certification authority disclosure record shall include, at a minimum, the following:

(a) The information specified in WAC 434-180-210 (1), (2), (3), and (4);

(b) The name, mailing address, telephone number, and electronic mail address of the issuer or surety of the certification authority's suitable guaranty, and the expiration date of the guaranty;

(c) A copy of the certification practice statement filed with the secretary pursuant to WAC 434-180-330;

(d) A copy of the most recent audit report, or summary thereof, filed with the secretary pursuant to WAC 434-180-240;

(e) Information as to the current status of the certification authority's Washington license, including disclosure of any license revocation or suspension. If a suspension or revocation is currently subject to a pending administrative or judicial review, the record shall so note;

(f) Whether the certification authority operates a recognized repository, and, information sufficient to locate or identify any repository it either operates or utilizes;

(g) A list of all judgments filed with the secretary pursuant to WAC 434-180-275, within the previous five years; and

(h) Any other information specified by statute.

(2) The secretary shall update a certification authority disclosure record upon becoming aware that any item of information contained within it has changed or is not accurate.

(3) In compiling and maintaining certification authority disclosure records, the secretary shall utilize the records of the secretary's office, and is not obligated to conduct any affirmative investigation or review beyond the face of those records.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-320, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-330 Certification practice statements.**

Each licensed certification authority must file with the secretary a certification practice statement. This statement must declare the practices the certification authority uses in issuing, suspending, and revoking certificates. Additionally, it must set forth the following:

(1) If certificates are issued by class, the necessary criteria for each class of certificate, including the methods of subscriber identification applicable to each class;

(2) Disclosure of any warnings, liability limitations, warranty disclaimers, and indemnity and hold harmless provisions, if any, upon which the certification authority intends to rely;

(3) Disclosure of any and all disclaimers and limitations on obligations, losses, or damages, if any, to be asserted by the certification authority;

(4) A written description of all representations required by the certification authority of the subscriber for the subscriber's responsibility to protect the private key; and

(5) Disclosure of any mandatory dispute resolution process, if any, including any choice of forum and choice of law provisions.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-330, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-340 Suspension or revocation of a certificate by the secretary.** (1) The secretary may order a

licensed certification authority to suspend or revoke a certificate that the certification authority issued, if, after giving any required notice and opportunity for the certification authority and the subscriber to be heard in accordance with chapter 34.05 RCW, the secretary determines that:

(a) The certificate was issued without substantial compliance with RCW 19.34.210; and

(b) The noncompliance poses a significant risk to persons reasonably relying on the certificate.

(2) The secretary may issue an order, pursuant to RCW 19.34.210(5), suspending a certificate for a period not to exceed ninety-six hours upon determining that an emergency requires an immediate remedy. The secretary shall issue an order including such a finding, and mail it to the licensed certification authority at the mailing address listed in its application.

(3) The secretary may issue an order, pursuant to RCW 19.34.250(2), suspending a certificate for a period not to exceed ninety-six hours, unless the certificate provides otherwise or the certificate is a transactional certificate, under circumstances described by RCW 19.34.250 (2)(a) and (b). If, upon request by the secretary, the person requesting suspension fails to provide a statement under oath or affirmation regarding his or her identity or authorization to request suspension, the secretary shall not issue an order suspending the certificate unless he or she is satisfied that discretion to enter the order should be exercised because the circumstances provide a sufficient basis for confidence of the person's identity and authority.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-340, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-350 Regional services for certificate suspension.**

The secretary may enter into an agreement, pursuant to RCW 19.35.250(7) and chapter 39.34 RCW, authorizing a state or local agency to perform any of the functions of the secretary under RCW 19.34.250 or WAC 434-180-350 (2) or (3) upon a regional basis. The terms and conditions of such an agreement shall include, at a minimum:

(1) The identity of contracting parties;

(2) The region of the state for which the contract is effective;

(3) The duration of the agreement;

(4) The method by which the contracting agency shall inform the secretary of all actions taken pursuant to the agreement;

(5) The method by which any suspension pursuant to the agreement shall be made effective;

(6) The method by which the secretary shall reimburse the agency for its costs of performance under the agreement;

(7) A provision under which each party agrees to indemnify the other, to the extent permitted by law;

(8) The method by which the contract may be terminated prior to expiration, which shall include the right of either party to terminate the agreement immediately in the event of a loss or withdrawal of funding; and

(9) A method of resolving disputes under the agreement.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-350, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-360 Trustworthy system.** A system shall be regarded as trustworthy if it materially satisfies the Common Criteria (CC) Protection Profile (PP) for Commercial Security 2 (CS2), (CCPPCS), developed by the National Institute of Standards and Technology (NIST). The determination whether a departure from CCPPCS is material shall be governed by WAC 434-180-240(2). For purposes of this chapter, CCPPCS shall be interpreted in a manner that is reasonable in the context in which a system is used and is consistent with other state and federal laws. Until such time as the referenced standard is adopted by NIST, the standard applicable for purposes of this chapter shall be the draft of CCPPCS dated July 13, 1998.

[Statutory Authority: Chapter 19.34 RCW and 1998 c 33. 99-02-047, § 434-180-360, filed 1/4/99, effective 2/4/99. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-360, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-370 Procedure upon discontinuance of business.** A licensed certification authority that discontinues providing certification authority services without making other arrangements for preservation of the certification authority's records shall either:

- (1) Revoke all valid certificates and return all records concerning them to the appropriate subscriber; or
- (2) Submit such records to another licensed certification authority or authorities designated by the secretary.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-370, filed 11/26/97, effective 12/27/97.]

#### PART 4 RECOGNITION OF REPOSITORIES

**WAC 434-180-400 Recognition of repositories.** The secretary shall recognize a repository upon determining that it satisfies all requirements set forth in RCW 19.34.400, and upon payment of the required fee and upon receipt and review of a completed form, provided by the secretary, containing the following:

- (1) The name of the licensed certification authority, or applicant for licensure as a certification authority, requesting recognition of a repository;
- (2) The applicant's uniform business identifier number, if any;
- (3) The mailing address of the applicant, and a physical address if different;
- (4) The telephone number of the applicant;
- (5) The electronic mail address of the applicant; and
- (6) A description of the data base and system architecture demonstrating that it satisfies the requirements of RCW 19.34.400(1) and WAC 434-180-420.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-400, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-410 Revocation of recognition of a repository.** (1) This rule describes the secretary's procedure for revoking the recognition of a repository, without also revoking the license of the certification authority that operates the repository. Because a valid license as a certification authority is a statutory requirement for recognition of a repository, the secretary shall automatically revoke the rec-

ognition of any repository operated by a certification authority whose license is revoked, expired, or otherwise inoperative.

(2) The secretary may revoke recognition of a repository, pursuant to chapter 34.05 RCW, for failure to comply with any requirement of RCW 19.34.400 or this chapter, or for failure to comply with a lawful order of the secretary.

(3) The secretary shall inform a licensed certification authority that operates a recognized repository by written order, by mail directed to the mailing address listed on the licensee's application, of a decision to revoke recognition of the repository. The notification shall state when the revocation shall be effective, which shall not be less than thirty days following the issuance of the order.

(4) If the certification authority files an application for an adjudicative hearing, pursuant to WAC 434-180-500, prior to the effective date of revocation, the revocation shall not take effect until so ordered by the presiding officer.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-410, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-420 Trustworthy system for recognized repositories.** A system shall be regarded as trustworthy for purposes of operating a recognized repository if it satisfies the requirements of WAC 434-180-360, and additionally it:

- (1) Provides on-line access to the repository upon a continuous basis, with reasonable allowance for scheduled maintenance;
- (2) Possesses the capacity to process transactions in a manner reasonably adequate for anticipated volume; and
- (3) Provides for the periodic storage of data at a location other than the principal system utilized for the repository.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-420, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-430 Contract for secretary of state repository publication.** The secretary may either directly operate, or contract for the operation of, a repository described in WAC 434-180-440. If the secretary contracts for the operation of the repository, with other than DIS, the contractor must be a licensed certification authority and must agree to operate the repository according to all requirements of chapter 19.34 RCW, including RCW 19.34.400. The contract may be rescinded for any reason that would form a basis for revoking recognition of a repository or for failure to meet the requirements of WAC 434-180-440.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-430, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-440 Publication by the secretary of state.** (1) The secretary shall publish, either directly or under contract, any information required by chapter 19.34 RCW. Information published by the secretary shall include:

- (a) The certification authority disclosure record for each certification authority licensed in Washington;
- (b) A list of all judgments filed with the secretary within the previous five years pursuant to RCW 19.34.290;
- (c) Any advisory statements published by the secretary regarding the activities of a licensed or unlicensed certifica-

tion authority, together with any protest filed by the certification authority named in the statement and any final decision of the secretary regarding the issues raised in the statement, all as provided by RCW 19.34.130(2);

(d) Any information published by the secretary pursuant to WAC 434-180-450; and

(e) Any other information necessary or appropriate for publication pursuant to chapter 19.34 RCW or this chapter.

(2) The secretary may meet the requirements of this section through publication in the *State Register*, on the web site maintained by the secretary, or through any other medium suitable to providing public notice.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111, and 19.34.400. 00-22-041, § 434-180-440, filed 10/25/00, effective 11/25/00; 97-24-053, § 434-180-440, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-450 Procedure upon discontinuance of business as repository.** A licensed certification authority that discontinues providing services as a recognized repository shall republish the records published in the repository in another recognized repository. If no other repository is available or willing to republish that information, the certification authority shall publish it in the secretary's repository.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-450, filed 11/26/97, effective 12/27/97.]

## PART 5 PROCEEDINGS BEFORE THE SECRETARY

**WAC 434-180-500 Application for adjudicative proceedings.** Decisions and actions of the secretary pursuant to chapter 19.34 RCW and this chapter may be reviewed by filing an application of an adjudicative proceeding. An adjudicative proceeding shall be commenced when required by chapter 34.05 RCW, and may be commenced in the secretary's discretion upon such other occasions as may be permitted by statute. An application for an adjudicative proceeding may be on a form provided by the secretary for that purpose or in another paper or electronic writing signed by the applicant or the applicant's representative. The application for an adjudicative proceeding should specify the issue to be adjudicated in the proceeding.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-500, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-510 Appointment of administrative law judge—Designation of procedural rules.** (1) The secretary hereby appoints the office of administrative hearings and the administrative law judges employed by that office to preside at all hearings that result from the commencement of adjudicative proceedings unless the secretary, by his or her own order, declares his or her intent to preside at a specific proceeding or the proceeding is an appeal of an initial order issued by an administrative law judge.

(2) All hearings shall be conducted in compliance with these rules, and with chapter 34.05 RCW. The secretary adopts chapter 10-08 WAC as the applicable rules of procedure, except where this chapter provides different, additional or conflicting procedures.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-510, filed 11/26/97, effective 12/27/97.]

(2007 Ed.)

**WAC 434-180-520 Pleadings in digital form.** (1) Unless the presiding officer directs otherwise, any party may file any pleading or other document in an adjudicative proceeding under this chapter in electronic form. If a pleading or document filed electronically requires a signature, that pleading or document shall be signed digitally, pursuant to a valid certificate issued by a licensed certification authority. The certification authority that issued the certificate shall not be a party to the adjudicative proceeding.

(2) Service of electronic pleadings or documents by electronic transmission is effective upon receipt, except that if sent after 5:00 p.m. on a business day or at any time on a weekend or state holiday, service is effective as of 8:00 a.m. on the following business day.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-520, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-530 Service of process on the secretary.** Service of pleadings or documents upon the secretary or the presiding officer does not constitute service upon the attorney general as counsel to the secretary.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-530, filed 11/26/97, effective 12/27/97.]

**WAC 434-180-540 Stay of summary suspension.** (1) Upon summary suspension of a license by the secretary pursuant to this chapter and chapter 19.34 RCW, an affected certification authority may petition the secretary for a stay of suspension pursuant to RCW 34.05.467 and 34.05.550(1). Such petition must be received by the secretary within the time specified in RCW 34.05.467.

(2) Within seven days of receipt of a petition for stay, a hearing shall be held before an administrative law judge, or if an administrative law judge is not available during this period, before an individual designated by the secretary. The hearing shall be limited to consideration of whether a stay should be granted, or whether the terms of the suspension may be modified to allow the conduct of limited activities under current licenses.

(3) Any hearing conducted pursuant to subsection (2) of this section shall be conducted under RCW 34.05.485, brief adjudicative proceedings. The agency record for the hearing shall consist of the information upon which the summary suspension was based and may be supplemented by any information obtained by the secretary subsequent to the date of the suspension order. The certification authority shall have the burden of demonstrating by a preponderance of the evidence that:

(a) The certification authority is likely to prevail upon the merits at hearing;

(b) Without relief, the certification authority will suffer irreparable injury. For purposes of this section, elimination of income from licensed activities shall not be deemed irreparable injury;

(c) The grant of relief will not substantially harm other parties to the proceedings; and

(d) The threat to the public safety or welfare is not sufficiently serious to justify continuation of the suspension, or that modification of the terms of the suspension will adequately protect the public interest.

(4) The initial order granting or denying a stay shall be effective immediately upon service unless another date is specified in the order.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-540, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-550 Review of orders regarding stay.**

(1) Any party may petition the secretary for review of an initial order granting or denying a motion for a stay of suspension. A petition for review must be in writing and received by the secretary within twenty-one days of service of the initial order. If neither party has requested review within twenty-one days of service, the initial order shall be deemed the final order of the secretary for purposes of RCW 34.05.467.

(2) If the secretary receives a timely petition for review, he or she shall consider the petition promptly. Consideration on review shall be limited to the record of the hearing on stay.

(3) The secretary's order on the petition for review shall be effective upon service unless another date is specified in the order and is final pursuant to RCW 34.05.467. Final disposition of the petition for stay shall not affect subsequent administrative proceedings for suspension or revocation of a license.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-550, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-560 Adjudicative proceedings—Appearance and practice before the secretary—Who may appear.**

No person may appear in a representative capacity before the secretary or the designated administrative law judge other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) A bona fide officer, authorized manager, partner, or full-time employee of a firm, association, partnership, LLC, or corporation who appears for such firm, association, partnership, corporation, or company.

(3) An individual appearing pro se.

(4) Such interpreters for persons with a limited understanding of the English language or hearing impaired persons as provided for in WAC 10-08-150.

(5) Such other persons as may be permitted by the secretary upon a showing by a party to the hearing of such a necessity or such a hardship as would make it unduly burdensome upon him to have a representative as set forth under subsections (1) and (2) of this section.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-560, filed 11/26/97, effective 12/27/97.]

#### **WAC 434-180-590 Brief adjudicative proceeding regarding certificate suspension.**

(1) Pursuant to RCW 34.05.482, the secretary may use brief adjudicative proceedings where not violative of law, where in the judgment of the secretary protection of the public interest does not require the secretary to give notice and an opportunity to participate to persons other than the parties, and the issue and interests involved in the controversy do not warrant the use of the procedures of RCW 34.05.413 through 34.05.479.

(2) The secretary finds that prompt review of the suspension of a certificate pursuant to RCW 19.34.210(5), 19.34.-

250(2), or WAC 434-180-350 by the secretary or a state or local agency under contract with the secretary is appropriate for a brief adjudicative proceeding. The secretary adopts the provisions of RCW 34.05.482 through 34.05.494 for purposes of this category of proceedings.

(3) If any person affected by the suspension requests administrative review, the secretary shall immediately notify, by the most rapid means reasonably calculated to inform the recipient of the proceeding, the subscriber, the certification authority, and any other affected party who has requested notification or has requested the review, of the intent to conduct a proceeding pursuant to this section. Conduct of that review shall be in accordance with RCW 34.05.485 through 34.05.494.

(4) The suspension of a certificate by order of the secretary pursuant to RCW 19.34.210(5) and 19.34.250(2) shall lapse ninety-six hours after the suspension.

(5) The secretary may, in his or her discretion, conduct a full adjudicative proceeding if any affected party requests a full review of the suspension of a certificate pursuant to RCW 19.34.250(2). If a full adjudicative proceeding is held, the suspension lapses ninety-six hours after the suspension, but the review need not be completed within that time.

(6) If, by final order, the secretary determines that the suspension was in error, the certificate shall be deemed valid retroactively to the time of suspension.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-590, filed 11/26/97, effective 12/27/97.]

#### **Chapter 434-208 WAC**

##### **ELECTIONS**

(Formerly chapter 434-08 WAC)

##### **WAC**

434-208-010	Advisory election upon contemplation of classification advancement.
434-208-020	Remedial steps—Third class city under mayor-council government.
434-208-030	Determination of original terms of councilmen—Second, third, or fourth class city or town.
434-208-040	Appointment of clerks.
434-208-060	Electronic filings.
434-208-070	Electronic filings not accepted.

#### **DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

434-208-050	Restrictions on write-in or sticker votes. [98-08-010, recodified as § 434-208-050, filed 3/18/98, effective 3/18/98; Regulation 5, filed 3/24/60.] Repealed by 02-02-039, filed 12/26/01, effective 1/26/02. Statutory Authority: RCW 29.04.080.
434-208-080	Electronic facsimile filings followed by original document. [Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-208-080, filed 12/28/05, effective 1/28/06. 98-08-010, recodified as § 434-208-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-080, filed 9/2/92, effective 10/3/92.] Repealed by 06-23-094, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611.
434-208-090	Rejection of electronic facsimile filings. [98-08-010, recodified as § 434-208-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-090, filed 9/2/92, effective 10/3/92.] Repealed by 06-23-094, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611.
434-208-100	Registering to vote—Nontraditional address. [Statutory Authority: RCW 29.04.080. 03-15-054, § 434-208-100, filed 7/11/03, effective 8/11/03.] Repealed by 05-24-

039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

**WAC 434-208-010 Advisory election upon contemplation of classification advancement.** Any second or third class city contemplating advancement to the rank of first class city under charter government, may hold a preliminary advisory election to determine the wishes of the electorate concerning the advancement of classification under the following qualifications:

(1) Such preliminary advisory election must be held on the day of a regular city primary or city general election.

(2) The resulting votes on said question shall be advisory only and not binding upon the governing body of said city.

[98-08-010, recodified as § 434-208-010, filed 3/18/98, effective 3/18/98; Regulation 1, filed 3/24/60.]

**WAC 434-208-020 Remedial steps—Third class city under mayor-council government.** Whenever any third class city operating under the mayor-council form of government shall inadvertently advise candidates subject to a city primary that four councilmanic positions are to be filled, each for a four year term, when by law only three councilmanic positions are to be filled for a four year term and the fourth position is to be filled for a two year term and the filing period is closed, then the following remedial steps shall be taken:

(1) The city clerk shall cause all names of candidates to appear in alphabetical sequence on the city primary ballot under the heading "councilman" (vote for four). No term of office shall be designated on the ballot.

(2) After the primary has been held, the city clerk shall cause the names of the eight candidates receiving the most votes at the city primary to appear on the city general election ballot in order of most votes received. The position designation shall be the same as appeared on the city primary ballot.

(3) The votes cast for candidates at the city general election shall be interpreted as follows:

(a) The three candidates receiving the greatest number of votes shall be assigned each a term of four years.

(b) The candidate ranked fourth in order of votes received shall be assigned a term of two years and said position shall be designated at all future elections as "councilman-at-large."

(c) In the event two or more candidates receive the same number of votes for the fourth position, then said tie shall be determined by lot.

[98-08-010, recodified as § 434-208-020, filed 3/18/98, effective 3/18/98; Regulation 2, filed 3/24/60.]

**WAC 434-208-030 Determination of original terms of councilmen—Second, third, or fourth class city or town.** When any second, third or fourth class city (or town) newly organized under the mayor-council or council-manager forms of government shall hold its first regular election subsequent to its organization election, the staggering of the original terms of councilmen shall be determined as follows:

(1) **Second class city (mayor-council):** Of the twelve councilmen elected, the six councilmen receiving the greatest number of votes shall be assigned four year terms while the remaining six councilmen shall be assigned two year terms.

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Thereafter, at all subsequent regular elections, the terms of all councilmen shall be set as four years.

(2) **Third class city (mayor-council):** Of the seven councilmen elected, the three councilmen receiving the greatest number of votes shall be assigned terms of four years while the remaining four councilmen shall be assigned terms of two years. Thereafter, at all subsequent regular elections, the terms of all councilmen shall be set as four years, except the position of councilman-at-large which shall remain at two years.

(3) **Fourth class city (or town) (mayor-council):** Of the five councilmen elected, the three councilmen receiving the greatest number of votes shall be assigned terms of four years while the remaining two councilmen shall be assigned terms of two years. Thereafter, at all subsequent regular elections, the terms of all councilmen shall be set as four years.

(4) **Second, third and fourth class cities organized under the council-manager plan:** The staggering of terms of councilmen shall be as set forth by RCW 35.18.020 (relating to existing cities adopting council-manager plan).

[98-08-010, recodified as § 434-208-030, filed 3/18/98, effective 3/18/98; Regulation 3, filed 3/24/60.]

**WAC 434-208-040 Appointment of clerks.** In each precinct containing one hundred or more registered voters and wherein paper ballots alone are voted, the inspector and judges, before the opening of the polls, shall appoint two registered voters to act as clerks: Provided, however, That:

(1) The election officer (county auditor, city, town or district clerk, as the case may be) having jurisdiction of the election concerned, may designate at what hour the clerks shall report for duty.

(2) Said hour of start of duty for the clerks may vary among the precincts according to the discretion of the election officer having jurisdiction.

[98-08-010, recodified as § 434-208-040, filed 3/18/98, effective 3/18/98; Regulation 4, filed 3/24/60.]

**WAC 434-208-060 Electronic filings.** In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic transmissions of the following documents:

(1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(2) Any minor party or independent candidate filing material except nominating petitions;

(3) Lists of presidential electors selected by political parties or independent candidates;

(4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;

(5) Resolutions from cities, towns, and other districts calling for a special election;

(6) Filling of vacancies on the ticket by a major political party;

(7) Voter registration form.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-208-060, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-208-060, filed 7/16/04, effective 8/16/04. Statutory Authority: 2002 c 140 § 3. 02-15-156, § 434-208-060, filed 7/23/02, effective 8/23/02.]

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98-08-010, recodified as § 434-208-060, filed 3/18/98, effective 3/18/98.  
 Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-060, filed 9/2/92, effective 10/3/92.]

**WAC 434-208-070 Electronic filings not accepted.** (1) When a filing fee is required, acceptance of an electronic filing is conditional until the fee is received.

(2) If the original document must be signed, acceptance of an electronic filing is conditional until receipt of the original document. Except for absentee ballots, the original document must be received no later than seven calendar days after receipt of the electronic filing. If a voted ballot is submitted electronically, the ballot and the envelope bearing the original signature of the voter must be received on or before the date on which the election is certified pursuant to RCW 29A.60.190.

(3) No initiative, referendum, or recall petition signatures may be filed electronically.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-208-070, filed 11/15/06, effective 12/16/06. 98-08-010, recodified as § 434-208-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-070, filed 9/2/92, effective 10/3/92.]

## Chapter 434-209 WAC

### CITIZEN'S COMMISSION ON SALARIES FOR ELECTED OFFICIALS

(Formerly chapter 434-09 WAC)

#### **WAC**

434-209-010	Statement of purpose.
434-209-020	Definitions.
434-209-030	Qualification requirements.
434-209-050	Conducting the selection of names by lot.
434-209-060	Notifying persons selected by lot.
434-209-070	Determination of commission appointees from congressional districts.
434-209-080	Names of selected persons to governor.
434-209-090	Vacancy on the commission.

#### **DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

434-209-040	Transmitting and compiling the data file of records of registered voters. [Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-040, filed 2/19/87.] Repealed by 03-23-094, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 43.03.305.
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**WAC 434-209-010 Statement of purpose.** The purpose of this chapter is to provide uniform procedures under RCW 43.03.305(1) for the selection and notification by the secretary of state of persons to be appointed to the Washington citizens' commission on salaries for elected officials.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-010, filed 2/19/87.]

**WAC 434-209-020 Definitions.** As used in these regulations:

(1) "Public employee" includes all persons who, at the time of selection, are officers or employees of any governmental body or political subdivision including, but not limited to the agencies of the state or county government or any

other municipal corporation operating under federal or state law or local ordinance.

(2) "Lobbyist" is a person required to be registered as such by the provisions of chapter 42.17 RCW.

(3) "Immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-020, filed 2/19/87.]

**WAC 434-209-030 Qualification requirements.** Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state Constitution and RCW 43.03.305:

(1) Any person selected under WAC 434-209-070 to serve must be a registered voter and eligible to vote at the time of selection in the congressional district from which that person was selected;

(2) Any person selected under WAC 434-209-090 to serve must be a registered voter and eligible to vote at the time of selection;

(3) No state official, public employee or lobbyist or immediate family member of such official, public employee or lobbyist shall be eligible to serve.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-030, filed 2/19/87.]

**WAC 434-209-050 Conducting the selection of names by lot.** No later than May 20 of the year of selection, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district that requires appointment of a new commissioner. The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section.

[Statutory Authority: RCW 43.03.305. 03-23-094, § 434-209-050, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-050, filed 2/19/87.]

#### **WAC 434-209-060 Notifying persons selected by lot.**

(1) No later than May 31 of the year of selection, the secretary of state shall notify by nonforwardable 1st class mail each person selected by lot under WAC 434-209-050. The notification shall contain a response form and prestamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than June 10 of that year. Any selected person, by appropriate indication on the form,

may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before June 10 of that year. The notification shall include an appropriate notice of this deadline.

(2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in subsection (1) of this section.

[Statutory Authority: RCW 43.03.305. 03-23-094, § 434-209-060, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-060, filed 2/19/87.]

**WAC 434-209-070 Determination of commission appointees from congressional districts.** From the list prepared under WAC 434-209-060(2), the secretary of state shall conduct a separate, noncomputer selection by lot of all qualified persons responding positively to the notice in WAC 434-209-060 from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

This list shall serve as the list of registered voters for the initial appointment and for filling any subsequent vacancy.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-070, filed 2/19/87.]

**WAC 434-209-080 Names of selected persons to governor.** No later than July 1 of the year of selection, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under WAC 434-209-070. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under WAC 434-209-070.

[Statutory Authority: RCW 43.03.305. 03-23-094, § 434-209-080, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-080, filed 2/19/87.]

**WAC 434-209-090 Vacancy on the commission.** Whenever a vacancy exists in any of the congressional districts, the governor shall notify the secretary of state of the vacancy. The secretary of state shall forward to the governor for appointment the next name on the list created in WAC 434-209-070 for that congressional district. This procedure will be repeated until this list is exhausted.

If the list from a congressional district becomes depleted, the secretary of state shall create a new list for that congressional district using the most recent voter information obtained from the county auditors. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district, conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter

selected shall be substantially the same as specified in WAC 434-209-030 through 434-209-080.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-090, filed 2/19/87.]

## Chapter 434-215 WAC

### DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

(Formerly chapter 434-228 WAC)

#### **WAC**

434-215-005	Filing information—Questionnaire—Compiling and dissemination.
434-215-012	Declaration of candidacy—Offices subject to a primary.
434-215-020	Declaration of candidacy—Precinct committee officer.
434-215-050	Use of title, rank, or symbols prohibited.
434-215-060	Duplication of names.
434-215-065	Withdrawal of candidacy.
434-215-070	Electronic filing—Standards.
434-215-080	Electronic filing—Eligible jurisdictions.
434-215-090	Electronic filing—Required information.
434-215-110	Electronic filing—Interlocal agreements.

**WAC 434-215-005 Filing information—Questionnaire—Compiling and dissemination.** Prior to April 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.320 and 29A.04.330. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to May 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-215-005, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-215-005, filed 7/16/04, effective 8/16/04. 02-09-007, recodified as § 434-215-005, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-228-005, filed 10/13/97, effective 11/13/97.]

**WAC 434-215-012 Declaration of candidacy—Offices subject to a primary.** Declarations of candidacy for all partisan and nonpartisan offices filed either in person or by mail shall be substantially the following form:

**FILING DATA . . . FOR OFFICE USE ONLY**

Date _____	Fee Paid \$ _____	File No. _____	Office Code _____
<input type="checkbox"/> Check	<input type="checkbox"/> Debit/Credit		
<input type="checkbox"/> Cash	<input type="checkbox"/> Filing Fee Petition	Voter Registration # _____	Clerk Initials _____

**DECLARATION OF CANDIDACY**

1. I, \_\_\_\_\_ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. \_\_\_\_\_ (STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP CODE)

\_\_\_\_\_ (MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

\_\_\_\_\_ (TELEPHONE NUMBER) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for the office of:

(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- A full term or a full term and a short term, or
- An unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and I am (check one):  a candidate of the \_\_\_\_\_ party, or  
 an independent candidate.

6. Filing Fee (check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less, or
- I am submitting a filing fee of \$\_\_\_\_\_, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a filing fee petition in lieu of this fee, pursuant to RCW 29A.24.091.

7. Please print my name on the ballot exactly as follows: \_\_\_\_\_

(PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

**8. Sign Here X**

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_

SIGNED OR ATTESTED BEFORE ME ON \_\_\_\_\_  
(DATE)

by \_\_\_\_\_  
(CANDIDATE)

(SIGNATURE OF NOTARY)

(TITLE) MY APPOINTMENT EXPIRES \_\_\_\_\_

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Candidate: Return all copies of this declaration to your Elections Dept.  
Distribution by Elections Dept: White—County; Yellow—PDC; Pink—Candidate

The form shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the secretary of state and acceptable to the public disclosure commission, containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29A.24.070, and one copy of the form or an electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-215-012, filed 6/28/06, effective 7/29/06. Statutory Authority: 2002 c 140 § 3. 02-15-156, § 434-215-012, filed 7/23/02, effective 8/23/02. 02-09-007, recodified as § 434-215-012, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-012, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.]

**WAC 434-215-020 Declaration of candidacy—Precinct committee officer.** Declarations of candidacy for the office of precinct committee officer, shall be filed in substantially the following form:

**Filing Data ..... For Office Use Only**

Date _____	Fee Paid \$ _____	Filing No. _____	Precinct # _____
Paid By (check one)			
<input type="checkbox"/> Check <input type="checkbox"/> Cash <input type="checkbox"/> Other		Clerk/Cashier Initials _____	Voter Registration # _____

**DECLARATION OF CANDIDACY  
PRECINCT COMMITTEE OFFICER**

I, \_\_\_\_\_, declare that I am a registered voter residing at:  
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

\_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) WA (ZIP CODE)

\_\_\_\_\_  
(MAILING ADDRESS) (CITY) (COUNTY) WA (ZIP CODE)

\_\_\_\_\_  
(TELEPHONE NUMBER) (EMAIL ADDRESS)

that, at the time of filing this declaration, I am a registered voter in \_\_\_\_\_ precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of Precinct Committee Officer to be elected at the Primary Election to be held on the \_\_\_\_\_ day of September, 2006, and hereby request that my name be printed upon the official Primary Election ballot as a candidate of the \_\_\_\_\_ party, and:

I am submitting the sum of one dollar, the fee required by RCW 29A.24.091.

Please print my name on the ballot exactly as follows: \_\_\_\_\_

Further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

X

\_\_\_\_\_  
(SIGNATURE OF CANDIDATE) (DATE)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number. County auditors may design and use a declara-

tion of candidacy different in form and style from that specified by this rule as long as it contains all of the information required by this rule.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-215-020, filed 6/28/06, effective 7/29/06. 02-09-007, recodified as § 434-215-020, filed

4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.]

**WAC 434-215-050 Use of title, rank, or symbols prohibited.** No person when filing for office shall be permitted to use any title, rank, or symbol instead of, or in conjunction with, his or her name, except as may be provided by law or administrative rule.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-215-050, filed 11/15/06, effective 12/16/06. 02-09-007, recodified as § 434-215-050, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.]

**WAC 434-215-060 Duplication of names.** Whenever, in the judgment of the filing officer, two or more candidates have filed for the same office whose names are so similar as to be confusing to voters, he or she shall differentiate between the candidates by the inclusion of additional information in connection with the name as it appears on the ballot. Such differentiation may be made by the inclusion of the candidate's occupation, status as incumbent or challenger, or by any other means which, in the judgment of the filing officer, fairly and impartially distinguishes the candidates. The filing officer may solicit suggestions and input from the candidates involved in order to resolve the situation.

[02-09-007, recodified as § 434-215-060, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.]

**WAC 434-215-065 Withdrawal of candidacy.** Consistent with RCW 29A.24.131, a candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods. The filing officer has discretion to permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary ballots have not been ordered. If no primary election is held for the office, the filing officer has discretion to permit the withdrawal at any time before the general election ballots are ordered.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-215-065, filed 12/28/05, effective 1/28/06.]

**WAC 434-215-070 Electronic filing—Standards.** An electronic system to file declarations of candidacy shall be an online system accessible to candidates on the world wide web that records the information specified in RCW 29A.24.031 (1) through (4) and WAC 434-215-090. At a minimum, the system shall perform the following functions:

(1) Verify the candidate's voter registration status;

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(2) Check the candidate's name against the name returned by the electronic transfer of funds process;

(3) Allow the filing officer to verify filings before filing information is made public;

(4) Accept electronic transfer of funds for the payment of filing fees, except that a candidate submitting a filing fee petition in the place of a filing fee may not file the declaration of candidacy electronically;

(5) Inform, and require the candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee; and

(6) Inform the candidate that knowingly providing false information on a declaration of candidacy is a class C felony as provided by RCW 29A.84.311.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-215-070, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. 02-15-156, § 434-215-070, filed 7/23/02, effective 8/23/02.]

**WAC 434-215-080 Electronic filing—Eligible jurisdictions.** (1) The secretary of state and county auditors may accept electronically filed declarations of candidacy for any office for which they are authorized to accept filings. Any system designed to accept electronically filed declarations of candidacy must comply with the requirements of WAC 434-215-070.

(2) Pursuant to RCW 29A.24.070(2), a candidate for the legislature, the court of appeals, or superior court in a jurisdiction that is within one county may file the declaration of candidacy with either the secretary of state or the county auditor. If the secretary of state or county auditor receives a declaration of candidacy from such a candidate, the candidacy information must be exchanged with the other filing officer as soon as possible, and within one business day at the latest. All candidacy information must be exchanged with the other filing officer immediately after the close of business on the last day for filings.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-215-080, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. 02-15-156, § 434-215-080, filed 7/23/02, effective 8/23/02.]

**WAC 434-215-090 Electronic filing—Required information.** At a minimum, electronically filed declarations of candidacy shall provide:

(1) The month and day of the candidate's date of birth;

(2) An electronic mail address, phone number, residential address, and mailing address where the candidate may be contacted.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-215-090, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. 02-15-156, § 434-215-090, filed 7/23/02, effective 8/23/02.]

**WAC 434-215-110 Electronic filing—Interlocal agreements.** The secretary of state may enter into interlocal agreements with county auditors to provide services to allow county auditors to accept electronic filings. Nothing in an agreement shall contravene RCW 29A.24.070, determining where candidates file for office.

[Statutory Authority: RCW 29A.04.611, 05-17-145, § 434-215-110, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3.02-15-156, § 434-215-110, filed 7/23/02, effective 8/23/02.]

## Chapter 434-219 WAC

### PRESIDENTIAL PREFERENCE PRIMARY

(Formerly chapter 434-75 WAC)

**WAC**

434-219-020	Definitions.
434-219-050	Procedures to be followed when changing primary date.
434-219-060	Designation of candidates by secretary of state.
434-219-070	Removal from list of designees.
434-219-080	Petition process for ballot access.
434-219-090	Form of the nominating petition.
434-219-100	Verification of signatures by secretary of state.
434-219-110	Determination of insufficient signatures.
434-219-120	Certification of candidates.
434-219-140	Declaration by voter.
434-219-150	Ballot request form used at the polling place.
434-219-160	Political party and unaffiliated ballots—Arrangement.
434-219-165	Incomplete ballot code on consolidated absentee ballot.
434-219-170	Order of political parties.
434-219-180	Ballots—Arrangement of names—Instructions.
434-219-185	Login and accuracy test decks.
434-219-190	Special election held in conjunction with the presidential primary.
434-219-210	Issuing absentee and polling place ballots.
434-219-220	Absentee ballots—Declarations—Instructions.
434-219-230	Segregation of absentee ballots.
434-219-240	Inspection of absentee ballots.
434-219-250	Tabulation of ballots.
434-219-260	Canvassing and tabulation of presidential primary absentee ballots.
434-219-280	Votes not tabulated.
434-219-290	Canvassing and certification of presidential primary.
434-219-310	Statutory recount provisions do not apply.
434-219-320	Political party preference data and results—Transmittal to the major political parties.
434-219-330	Retention of election material.
434-219-340	Claims for reimbursement.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-219-010	Authority and purpose. [Statutory Authority: RCW 29.19.070, 96-03-141, recodified as § 434-219-010, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.] Repealed by 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-030	Presidential primary—When held. [Statutory Authority: RCW 29.19.070, 96-03-141, recodified as § 434-219-030, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-030, filed 8/26/91, effective 9/26/91.] Repealed by 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-040	Presidential primary—Changing the date. [Statutory Authority: RCW 29.19.070, 96-03-141, recodified as § 434-219-040, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.] Repealed by 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-130	Conduct of the presidential primary. [Statutory Authority: RCW 29.19.070, 96-03-141, recodified as § 434-219-130, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.] Repealed by 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-255	Tabulating, reporting, and canvassing write-in votes. [Statutory Authority: RCW 29.19.070, 00-03-003, § 434-219-255, filed 1/6/00, effective 2/6/00.] Repealed by 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-270	Vote-by-mail precincts. [Statutory Authority: RCW 29.19.070, 00-03-003, § 434-219-270, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-270, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-270, filed 8/26/91, effective 9/26/91.] Repealed by

434-219-285	03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-300	Record of ballots not tabulated. [Statutory Authority: RCW 29.19.070, 00-03-003, § 434-219-285, filed 1/6/00, effective 2/6/00.] Repealed by 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-330	Sealing of voting devices. [Statutory Authority: RCW 29.19.070, 00-03-003, § 434-219-300, filed 1/6/00, effective 2/6/00.] Repealed by 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-350	Time for submission and payment of claims for reimbursement. [Statutory Authority: RCW 29.19.070, 96-03-141, recodified as § 434-219-350, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.] Repealed by 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.

### **WAC 434-219-020 Definitions.** As used in this chapter:

(1) "Political party ballot" means a ballot composed of a list of names of candidates belonging to the same major political party and who have been certified by the secretary of state as provided in RCW 29.19.030.

(2) "Unaffiliated ballot" means a ballot composed of a list of all the candidates certified by the secretary of state as provided in RCW 29.19.030.

(3) "Separate ballot" means a ballot specific to a single political party or an unaffiliated ballot. When separate ballots are used, all ballots must be issued to each absentee voter unless the voter signs the appropriate oath requesting only one ballot.

(4) "Consolidated ballot" means a medium upon which multiple ballots may be listed. Such ballots must clearly identify each separate ballot by type and, if used at a polling place, must also be capable of being coded so that only votes cast for candidates matching the oath signed by the voter are counted. Consolidated mail ballots may be coded in the same manner as polling place ballots.

[Statutory Authority: RCW 29.19.070, 03-23-093, § 434-219-020, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-020, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-020, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-050 Procedures to be followed when changing primary date.** If the date of the presidential primary is changed under RCW 29.19.020 and WAC 434-75-040 from the fourth Tuesday in May to another date, the secretary of state shall promptly notify the county auditors and the chairperson of the national committee of each major political party, in writing, of that date.

[Statutory Authority: RCW 29.19.070, 96-03-141, recodified as § 434-219-050, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-060 Designation of candidates by secretary of state.** Not less than ninety days prior to the date set for the presidential primary, the secretary of state shall compile a list of persons whose candidacy for the office of President of the United States is generally advocated or whose candidacy is generally recognized in the national news media. He or she shall promptly notify, in writing, the county auditors, the chairperson of each major political party, and each of the candidates whose names will be placed on the bal-

lot at the presidential primary unless the candidate withdraws under WAC 434-75-070.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-060, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.]

#### **WAC 434-219-070 Removal from list of designees.**

Each candidate designated by the secretary of state shall appear on the primary ballot unless, not later than thirty-five days prior to the primary, the candidate files with the secretary of state a signed, notarized statement that he or she is not now and will not become a candidate for president. The secretary of state shall promptly notify the county auditors, the chairperson of the national political party of that candidate, and all remaining candidates of any names removed from the list of candidates for the presidential primary under this section.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-070, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.]

#### **WAC 434-219-080 Petition process for ballot access.**

Members of a major political party may petition the secretary of state, pursuant to the provisions of RCW 29.19.030(2), to include on the presidential primary ballot the name of any candidate of that party not designated by the secretary of state under WAC 434-219-060. Petitions may be circulated for signatures not earlier than the first day following the designation of candidates by the secretary of state under WAC 434-219-060. Such petitions must be filed with the secretary of state not later than the thirty-ninth day preceding the primary, shall be accompanied by a signed, notarized statement by the candidate concerned giving his or her consent to the nomination, and must bear the signatures of at least one thousand persons registered to vote in the state of Washington at the time the petition signatures are verified.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-080, filed 11/17/03, effective 12/18/03; 96-03-141, recodified as § 434-219-080, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.]

#### **WAC 434-219-090 Form of the nominating petition.**

Nominating petitions shall be addressed to the secretary of state, be uniform in size, and shall contain the following:

(1) The name of the candidate and his or her political party;

(2) A statement that the persons signing the petition are registered voters of the state of Washington, that they are affiliated with the political party of the person on whose behalf the petition is filed, and that they have only signed the petition once;

(3) Numbered lines for no more than twenty signatures;

(4) Space for the signature, printed name, and address at which each petition signer is registered to vote, including county of residence;

(5) Space for the signer to list the name or number of his or her precinct, if known.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-090, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.]

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**WAC 434-219-100 Verification of signatures by secretary of state.** Upon receipt of any nominating petition filed pursuant to WAC 434-219-080, the secretary of state shall promptly canvass and verify the signatures in order to determine the validity of the petition. The secretary may reject, without verification of signatures, any petition that clearly bears insufficient signatures, any petition that is not accompanied by a consent to the nomination by the candidate, or any petition that is in a form inconsistent with the provisions of WAC 434-219-090. To the extent that it is not inconsistent with other provisions of these rules, the canvass and verification process may be observed in the same manner as that specified in RCW 29.79.200 for the observation of the canvass and verification of initiative signatures. The secretary of state shall reject the signature of any person not registered to vote in Washington, and any multiple signatures from the same voter. No signature may be rejected solely on the basis that it is not accompanied by the address or precinct name or number of the signer.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-100, filed 11/17/03, effective 12/18/03; 96-03-141, recodified as § 434-219-100, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-110 Determination of insufficient signatures.** In the event the secretary of state determines that the petition contains insufficient valid signatures he or she shall notify the person filing the petition and the candidate on whose behalf the petition was filed. Persons so notified may submit additional signatures in support of the nomination as long as those signatures are submitted prior to the deadline established by RCW 29.19.030.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-110, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-120 Certification of candidates.** In the event the secretary determines a petition bears sufficient signatures he or she shall include the name of that candidate in the official certification of candidates to the county auditors. This certification shall be completed and transmitted to the county auditors not later than the thirty-fourth day prior to the primary.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-120, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-120, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-140 Declaration by voter.** (1) Each registered voter desiring to participate in the presidential primary shall be given the opportunity to subscribe to any declaration provided under the national or state political party rules of a major political party for participation in the presidential nominating process of that party.

(2) No later than August 15 in the calendar year preceding the year in which the presidential preference primary is to be held, each major party shall submit in writing to the secretary of state the exact wording of the party declaration.

(3) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30 in the calendar year preceding the year in which the presidential preference primary is to be held.

(2007 Ed.)

(4) A voter may subscribe to a declaration stating that he or she wants his or her vote to be counted in the unaffiliated results, provided that failure to subscribe to this declaration does not prevent any person's vote from being counted in the unaffiliated results. The unaffiliated declaration shall be printed in substantially the following form: "I do not want to sign a party declaration. I understand that party rules may not allow my vote to be used to select delegates to the nominating conventions."

[Statutory Authority: RCW 29.19.070. 99-22-073, § 434-219-140, filed 11/2/99, effective 12/3/99; 96-03-141, recodified as § 434-219-140, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-150 Ballot request form used at the polling place.** (1) The political party declaration provided under WAC 434-219-140, when provided to a voter desiring to vote at a polling place, may appear on either:

(a) A paper form of uniform size for each voter. The form shall identify the presidential primary, the major political party, and the date, and shall have space for the voter to sign his or her name and address. The voter's precinct shall be clearly indicated on the form. Multiple-part reproducible forms may be used for this purpose. The signed ballot request forms shall be collected by the precinct election officers and transmitted to the county auditor at the end of the voting day; or

(b) A format printed in the poll book which would permit the voter to sign his or her name and address and to indicate his or her political party preference, if any; or

(c) Separate poll books for each major political party distinct from the poll books for voters who do not subscribe to the declaration of any major political party.

(2) The county auditor shall provide appropriate instructions for the precinct election officers regarding the handling, maintaining, and transportation of the political party declarations.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-150, filed 11/17/03, effective 12/18/03; 96-03-141, recodified as § 434-219-150, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-160 Political party and unaffiliated ballots—Arrangement.** Ballots for each major political party and unaffiliated ballots shall be provided as follows:

(1) Where candidate names are listed on separate ballots, each ballot shall be identified by color and either the name of the political party or as an unaffiliated ballot. Each separate ballot shall contain a machine readable code to distinguish each ballot type within each precinct.

(2) Where candidate names are listed on a consolidated ballot, they shall be presented in such a manner that each party's group of candidates is clearly distinguishable and identified by party name. The unaffiliated ballot may be listed in a separate listing or may be considered a combination of the party ballots. The order of the parties shall be the same as the order in which candidate names are listed on partisan general election ballots.

At a polling place, each ballot must be coded so that only votes cast for candidates of the party matching the oath signed by the voter are counted.

The code shall be a response position on the consolidated ballot identifying one of the major political parties or the unaffiliated status. Its purpose will be to exclude any vote cast on the ballot that does not correspond to the party or unaffiliated status indicated by the voter on the response position. The voter must mark the appropriate response position corresponding to the oath or declaration on the absentee ballot return envelope. If the vote is cast at a polling place, the voter or precinct election official shall mark the code. If the code is marked by the voter, the precinct election official shall ensure that the code matches the oath or declaration as signed in the poll book. If a consolidated ballot is used in a mail ballot precinct or as an absentee ballot and a party/unaffiliated code is not used, each returning ballot must be segregated by oath and then subsequently inspected to ensure that only votes cast for candidates corresponding to the oath signed by the voter are counted.

[Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-219-160, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-160, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-160, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-160, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-165 Incomplete ballot code on consolidated absentee ballot.** In the event a party/unaffiliated ballot code is used and the absentee voter fails to code his or her ballot as provided by WAC 434-219-160(2), the county auditor shall code the ballot to correspond to the oath signed by the voter on the absentee ballot return envelope.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-165, filed 1/6/00, effective 2/6/00.]

**WAC 434-219-170 Order of political parties.** Whenever political party declarations or ballots are printed on the same envelope, card, or sheet of paper, the party which polled the highest number of votes in the state for its candidate for president at the last preceding presidential election shall be listed first. The party which polled the next highest number of votes in the state for its candidate for president at the last preceding presidential election shall be listed second. Unaffiliated declarations shall be printed below political party declarations.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-170, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-170, filed 1/6/00, effective 2/6/00.]

**WAC 434-219-180 Ballots—Arrangement of names—Instructions.** (1) The unaffiliated ballot shall contain the names of all of the candidates certified by the secretary of state under WAC 434-219-120 listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted to the voters at special elections held in conjunction with the presidential primary.

(2) The political party ballots shall contain the names of all of the candidates certified by the secretary of state under WAC 434-219-120 for that party's nomination listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted

to the voters at special elections held in conjunction with the presidential primary.

(3) Provision for the voter to write-in the name of another candidate shall be provided on each separate ballot or for each party's office on a consolidated ballot. The names of candidates on the presidential primary ballot shall not be rotated.

(4) The ballot shall contain instructions to the voters in substantially the following form:

"If you vote for more than one candidate for this office, your vote in the presidential primary will not be counted."

The instructions shall be printed large enough to be easily read by the voter.

(5) Ballots for each political party and unaffiliated ballots shall be differentiated by color except when using a consolidated ballot.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-180, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-180, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-180, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-185 Logic and accuracy test decks.** No later than fifteen days before the date of the presidential primary, the county auditor shall provide for the preparation of a test deck for logic and accuracy testing. No later than thirty days before the date of the presidential primary, the county auditor in consultation with the office of the secretary of state shall schedule a logic and accuracy test so that a representative of the office of the secretary of state can be present during the test. A representative of the secretary of state shall observe and certify that the test was conducted. Excluding the provisions in this chapter the procedures for the logic and accuracy test shall be conducted pursuant to the provisions of chapter 434-333 WAC and RCW 29.33.350.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-185, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-185, filed 1/6/00, effective 2/6/00.]

**WAC 434-219-190 Special election held in conjunction with the presidential primary.** If a special election is scheduled concurrently with the presidential primary under RCW 29.13.010 or 29.13.020, all measures or candidates for office for which the voters are eligible to vote at that special election shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures separately from the presidential primary candidates.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-190, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-210 Issuing absentee and polling place ballots.** (1) Polling place voters who do not make a political party declaration under WAC 434-219-140 shall be presented either an unaffiliated ballot, or a consolidated ballot coded as an unaffiliated ballot. Polling place voters who make a political party declaration under WAC 434-219-140 shall be presented either that party's ballot or a consolidated ballot coded to match their party oath.

(2) Absentee ballot voters, except as provided in subsection (3) of this section if applicable, shall be issued all unaf-

filiated and political party ballots, either as separate ballots or as a consolidated ballot.

(3) At the discretion of the county auditor, absentee ballots issued directly to the voter at the auditor's office may be issued in the same manner as polling place ballots provided that the voter marks, or verbally refuses to mark, the appropriate declaration on the return envelope prior to receiving the ballot.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-210, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-210, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-210, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.]

#### **WAC 434-219-220 Absentee ballots—Declarations—Instructions.**

(1) The political party declaration and unaffiliated declaration provided under WAC 434-219-140 shall be printed on the return envelope below the absentee ballot oath provided under WAC 434-240-190. Each declaration shall be printed next to a box in which the voter is instructed to make a mark to indicate to which declaration they subscribe. The date and signature lines in the absentee ballot oath shall also serve as the date and signature lines for the political party and unaffiliated declarations.

(2) In addition to other instructions normally provided to absentee voters, the county auditor shall ensure that, whenever presidential primary ballots are issued, the voters are given specific instructions on how to mark their ballot so that it will be counted in accordance with the oath they signed on the return envelope. Instructions shall also be provided to the voter on the correct method for writing in a candidate's name on the ballot.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-220, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-220, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-220, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.]

#### **WAC 434-219-230 Segregation of absentee ballots.**

Absentee ballots must be segregated according to major party declaration choice before they are removed from the return envelopes. The number of ballots in each segregated group shall be recorded on a ballot accountability form at each step of the absentee ballot canvassing process.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-230, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-230, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-230, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-240 Inspection of absentee ballots.** Each absentee ballot cast by voters who signed a party declaration shall be inspected.

If a voter signs a party oath and votes for a candidate certified by the secretary of state for that party, that voter's ballot shall be grouped and tabulated with the ballots of that party. The number of ballots so voted shall be recorded on the ballot accountability form.

If a voter signs an unaffiliated oath, or does not sign an oath at all, that voter's ballot shall be grouped and tabulated with the unaffiliated ballots. The number of ballots so voted shall be recorded on the ballot accountability form.

Any voter who signs a party oath and then votes for a candidate certified by the secretary of state for a different party shall not have that vote tabulated.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-240, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-240, filed 1/24/96, effective 2/24/96; 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-250 Tabulation of ballots.** (1) Any voter who selects a party oath and votes for a candidate certified by the secretary of state for that party shall have that vote tabulated as a political party vote, regardless upon which ballot that vote is cast.

(2) Any voter who selects the unaffiliated oath, shall have that vote tabulated as an unaffiliated vote, regardless upon which ballot that vote is cast.

(3) Any voter who selects a party oath and then votes for a candidate certified by the secretary of state for a different party shall not have that vote tabulated.

(4) If the voter does not select an oath, then no vote for president shall be tabulated.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-250, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-250, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-250, filed 1/24/96, effective 2/24/96; 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-260 Canvassing and tabulation of presidential primary absentee ballots.** Unless otherwise provided by law, or by these rules, absentee ballots for the presidential primary shall be processed, canvassed, and tabulated, by legislative and congressional district, in the same manner as absentee ballots for other elections.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-260, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-260, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-280 Votes not tabulated.** The county auditor shall not tabulate votes in the presidential primary in the following cases:

(1) Where the voter has attempted to vote for more than one candidate on the same political party or unaffiliated ballot;

(2) Where the voter has voted on more than one political party or unaffiliated ballot, in which case any vote cast on a ballot not matching the oath signed by the voter shall be rejected;

In those instances where the auditor is not sure whether a ballot or part of a ballot should be counted, he or she shall refer that ballot to the county canvassing board for their determination.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-280, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-280, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-280, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-290 Canvassing and certification of presidential primary.** County canvassing boards shall certify the results of the presidential primary including the total number of write-in votes cast, by congressional and legislative districts, not later than the tenth day following the primary. The county auditor shall send one original copy of the returns by mail to the secretary of state on the same day the returns are certified. Wherever applicable, the other procedures established by chapter 29.62 RCW for the canvassing

of state primaries shall apply to the canvassing of a presidential primary. Not later than the thirtieth day following the presidential primary, the secretary of state shall notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for each candidate listed on the ballot and of the write-in votes cast for any qualified write-in candidates.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-290, filed 11/17/03, effective 12/18/03; 00-03-003, § 434-219-290, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-290, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-310 Statutory recount provisions do not apply.** The provisions of chapter 29.64 RCW regarding statutory recounts do not apply to a presidential primary.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-310, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-310, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-320 Political party preference data and results—Transmittal to the major political parties.** No later than thirty days following the certification of the returns of the presidential primary by the secretary of state, the county auditor shall provide to the county and state committee of each major political party, at actual reproduction cost:

(1) The results of the presidential primary by precinct; and

(2) The names and addresses of those voters participating in the presidential primary of that major political party. This may be accomplished by either:

(a) Integrating the ballot request and party preference data with the county voter registration file and producing a registered voter report containing the consolidated data in either machine-readable or printed format, which is provided to each major political party; or

(b) Providing to each major political party copies of the political party declarations that indicate the primary in which the voter participated; or

(c) Providing each major political party with a copy of the poll book pages upon which the voter has indicated the political party primary in which he or she participated and a separate report covering the declarations of absentee voters.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-320, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-320, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-330 Retention of election material.** The county auditor shall maintain all presidential primary material, including ballot request forms, absentee ballot envelopes, poll books, and ballots, for a period of twenty-two months following the presidential primary. The auditor may, at any time after sixty days following the certification of the returns by the secretary of state, remove from his or her automated voter registration files any record of the party designation of any voter casting a ballot at the presidential primary.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-330, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-340 Claims for reimbursement.** Following the presidential primary, each county auditor shall provide to the secretary of state a completed claim for reimbursement of expenses incurred by the county in conducting the primary. This cost shall be prorated with any other jurisdictions holding special elections in conjunction with the primary under RCW 29.13.045. The procedures for allocating such costs shall be the same as those prescribed by the office of the state auditor for election cost allocations to the state, cities, towns, and special purpose districts. Claims for reimbursement and supporting documents shall be submitted to the secretary of state not later than sixty days following the certification of the returns of the presidential primary by the secretary of state.

[Statutory Authority: RCW 29.19.070. 03-23-093, § 434-219-340, filed 11/17/03, effective 12/18/03; 96-03-141, recodified as § 434-219-340, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.]

## Chapter 434-220 WAC PARTISAN PRIMARIES

### WAC

434-220-010	Partisan primaries.
434-220-020	Definitions.
434-220-030	Ballot layout and color—Consolidated ballots.
434-220-040	Ballot layout and color—Physically separate ballots.
434-220-050	Order of political parties.
434-220-060	Ballot programming—Consolidated ballots.
434-220-070	Polling place procedures—Physically separate ballots.
434-220-080	No records made at poll-sites.
434-220-090	Partisan primary recounts.

**WAC 434-220-010 Partisan primaries.** This chapter is limited in application to the conduct of partisan primaries and nonpartisan primaries held in conjunction with partisan primaries. If a county holds only a nonpartisan primary, it is exempt from this chapter.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-220-010, filed 6/28/06, effective 7/29/06.]

### WAC 434-220-020 Definitions.

As used in this chapter:

(1) "Checkbox" means a voter response position on a consolidated ballot that allows a voter who desires to vote in a partisan primary to affiliate with a major political party.

(2) "Consolidated ballot" is a single ballot that lists the candidates for partisan office of all major political parties, the candidates for nonpartisan office, and the ballot measures. The candidates for partisan office are listed by party, and each party is separated from the other parties. The candidates for nonpartisan office and the ballot measures are listed at the end of the ballot, after the partisan offices. In the case of a direct recording electronic device, a consolidated ballot must have a beginning screen which contains a checkbox for the major political parties. After the voter has affiliated with a major party by marking a checkbox, only the party ballot checked by the voter and the nonpartisan ballot shall appear to the voter.

(3) "Nonpartisan ballot" means a ballot that includes nonpartisan offices listed in RCW 29A.52.231, and ballot measures.

(4) "Party affiliation" means:

(a) For a voter:

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(i) On a consolidated ballot, a voter's selection of a major political party in a manner consistent with the type of voting system used;

(ii) On physically separate ballots, voting a major political party's ballot;

(b) For a write-in candidate, filing as a write-in candidate as a member of a major political party.

(5) "Physically separate ballots" include party ballots for each major political party, and a nonpartisan ballot. Each party ballot lists the candidates for partisan office that have listed that party on the declaration of candidacy.

(6) "Spot color" means coloring a portion of the ballot.

(7) "Void," when applied to unvoted ballots, means keeping the unvoted ballots in the sealed container in which they were deposited on election day.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-220-020, filed 6/28/06, effective 7/29/06.]

**WAC 434-220-030 Ballot layout and color—Consolidated ballots.** A county may choose to use a combination of both consolidated and physically separate ballots for poll-site, absentee, and vote by mail ballots. County auditors may use spot coloring, shading, or colored printing to assist the voter in distinguishing between party sections. If color is used, blue must be used for the democratic party ballot, and red must be used for the republican party ballot. In addition to other requirements listed in state law and administrative rule, the following provisions apply to the layout of consolidated ballots:

(1) The party checkboxes must be listed before all offices and ballot measures, pursuant to RCW 29A.36.106. The checkboxes must be labeled "democratic party" and "republican party."

(2) Ballots must list partisan office candidates in columns or sections labeled "democratic party" and "republican party." If a party section spans multiple columns, the next party section must begin where the last party section ended, and there must be a well-defined division between the party sections. If all parties cannot be listed on the same side of the ballot, there must be a conspicuous explanation that additional parties are listed on the other side of the ballot.

(3) Ballots must list the nonpartisan offices and ballot measures separately in a column or section labeled "nonpartisan offices and measures."

(4) Ballot instructions must be printed on the ballot and include:

(a) Instructions on how to mark the ballot, including write-in votes; and

(b) Instructions, as required by RCW 29A.36.106 and 29A.36.161, printed in substantially the following form:

"This ballot contains major political party candidates for the partisan offices, candidates for the nonpartisan offices, and ballot measures. For the partisan offices, you may vote for candidates of only one political party. Regardless of whether you vote for partisan offices, you may vote for the nonpartisan offices and the ballot measures.

1. Select one political party. If you do not select a party or if you select more than one party, your votes for partisan offices will **not** be counted. No record will be made of the party you select.

2. Vote only for candidates of that party. Votes for another party's candidates will **not** be counted.

3. Vote for nonpartisan offices and ballot measures. These votes **will** be counted, even if you do not select a political party."

(5) Ballot instructions may be printed on the ballot itself or on the ballot stub. An instruction page may be considered a separate page of the ballot in which case page one of the ballot must be the instruction page and the candidates and ballot measures must begin on page two.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-220-030, filed 6/28/06, effective 7/29/06.]

**WAC 434-220-040 Ballot layout and color—Physically separate ballots.** A county may choose to use a combination of both consolidated and physically separate ballots for poll-site, absentee, and vote by mail ballots. County auditors may use colored ballot stock, spot coloring, shading, or colored printing to assist the voter in distinguishing between the ballots. If colored ballot stock is used, blue must be used for the democratic party ballot, and red must be used for the republican party ballot. In addition to other requirements listed in state law and administrative rule, the following provisions apply to the layout of physically separate ballots:

(1) A separate ballot must be produced for each major political party and for all nonpartisan races. The political party abbreviation after each candidate's name may be eliminated if the ballot layout clearly identifies the candidate's political party.

(2) Each physically separate ballot must have "democratic party," "republican party," or "nonpartisan offices and measures" printed on the ballot. In addition to the requirements of RCW 29A.36.121, each party ballot must list partisan offices first, then all nonpartisan offices and ballot measures. All ballots must be issued to each voter, both at the poll-site and to voters voting by mail or absentee. Voters must be instructed to vote and return only one ballot.

(3) Ballot instructions must be printed on the ballot and must include:

(a) Instructions on how to mark the ballot, including write-in votes; and

(b) Instructions, as required by RCW 29A.36.106 and 29A.36.161, printed in substantially the following form:

"Separate ballots for each political party have been provided, in addition to a third ballot for nonpartisan offices and ballot measures. Each party ballot lists the candidates of that political party running for partisan office, as well as the candidates running for nonpartisan office and the ballot measures. The ballot labeled "nonpartisan offices and measures" lists the candidates running for nonpartisan office and the ballot measures, but does **not** list any partisan offices.

You may only vote one ballot. Your affiliation with a political party is inferred by choosing that party's ballot, but no record will be made of your choice. If you cast more than one party ballot, none of your votes for partisan office will count. If you vote for the nonpartisan offices and ballot measures on a party ballot, return the party ballot only and **not** the separate nonpartisan ballot. Votes for the nonpartisan offices and ballot measures will not be affected by your choice of party ballot."

(2007 Ed.)

(4) Ballot instructions may be printed on the ballot itself or on the ballot stub. An instruction page may be considered a separate page of the ballot in which case page one of the ballot must be the instruction page and the candidates and ballot measures must begin on page two.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-220-040, filed 6/28/06, effective 7/29/06.]

**WAC 434-220-050 Order of political parties.** The order of political parties for consolidated ballots, sample ballots, and notices of election must be in the same order as candidates on the general election ballot as determined by RCW 29A.36.161.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-220-050, filed 6/28/06, effective 7/29/06.]

**WAC 434-220-060 Ballot programming—Consolidated ballots.** (1) Before a county may use a consolidated ballot format, the ballot counting program must achieve the following:

(a) If a voter marks a checkbox for a major political party, only votes for candidates of that party may be counted; and

(b) If a voter does not mark a checkbox for a major political party, no votes for a partisan office may be counted; and

(c) If a voter marks two or more checkboxes, no votes for a partisan office may be counted; and

(d) In the case of direct recording devices, the voter must be allowed to select one ballot on the first screen, and have only the ballot selected appear to the voter.

(2) If an optical scan ballot counting program cannot use the checkbox to eliminate invalid votes for each of the situations listed in this section, all ballots must be inspected for those marks that cannot be read correctly. Improperly marked ballots must be duplicated to ensure invalid votes are not counted. In the case of precinct ballot counters, ballots must be inspected after they have been returned from the polls. As part of the canvassing process, the county auditor must take appropriate steps to amend the unofficial precinct count totals to reflect the correct count.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-220-060, filed 6/28/06, effective 7/29/06.]

**WAC 434-220-070 Polling place procedures—Physically separate ballots.** (1) In the case of optical scan ballots, poll workers must give each voter a party ballot for each major political party and a nonpartisan ballot. The county auditor must number the ballot stubs in a manner so that it cannot be determined which ballot was cast by the voter. The poll workers must instruct the voter to choose one ballot to vote. The remaining two ballots must be deposited into an "unvoted ballots" container secured with a numbered seal. The voter may select a single ballot and deposit the other ballots in the "unvoted ballots" container prior to entering the voting booth, or may deposit the unvoted ballots after leaving the voting booth. Regardless of when the ballot selection is made, the poll workers must ensure that only one ballot is deposited in the ballot box and the remaining ballots are deposited into the "unvoted ballots" container. The privacy of the ballot selection by the voter must be maintained. The bal-

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lot stub must be removed and placed into the ballot stub envelope before the voted ballot is deposited into the ballot box.

(2) The "unvoted ballots" container must remain sealed and be returned to the county auditor with the supplies and voting materials.

(3) If a voter spoils a ballot and wishes to correct the error, the ballot must be returned to the poll worker and placed into the spoiled ballot envelope. The poll worker must issue a new set of ballots, consisting of each major political party's ballot and the nonpartisan ballot. The ballot stub number must be recorded in the poll book.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-220-070, filed 6/28/06, effective 7/29/06.]

#### **WAC 434-220-080 No records made at poll-sites.**

Pursuant to RCW 29A.44.231, no record of the political party ballot selected by the voter may be made. This prohibition includes poll workers, political observers and any other person who may be present while voting or ballot processing is taking place. The use of devices such as telephones, cameras, or recording devices to report, track, or monitor the ballot selection by voters is prohibited.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-220-080, filed 6/28/06, effective 7/29/06.]

**WAC 434-220-090 Partisan primary recounts.** When a recount in a partisan primary is either requested or mandatory under chapter 29A.64 RCW, the recount only applies to the candidates of the affected political party. Votes for candidates for the same office but of a different political party may not be recounted.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-220-090, filed 6/28/06, effective 7/29/06.]

### **Chapter 434-230 WAC**

#### **BALLOTS**

(Formerly chapter 434-30 WAC)

##### **WAC**

434-230-010	Sample ballots.
434-230-020	Placement of state ballot measures.
434-230-030	Placement of ballot measures for local units of government.
434-230-040	Candidate's political party designation—Primary to general.
434-230-050	Candidate nominated by two or more political parties or for two or more offices.
434-230-060	Primary votes required for appearance on general election ballot.
434-230-070	Method for billing expense for printing and distributing ballot materials.
434-230-080	Judicial ballots—Form.
434-230-090	Determining nominees for multiple positions.
434-230-150	Ballot uniformity.
434-230-160	Poll-site voting instructions.
434-230-170	Ballot form.
434-230-180	Paper ballots and ballot cards—Numbering.
434-230-190	Paper ballot uniformity.
434-230-200	Paper ballot instructions.
434-230-210	Paper ballots—Ballot form.
434-230-220	Same party designations used for primary and general elections.

#### **DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

##### 434-230-140

Definitions. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-230-140, filed 3/12/02, effective 4/12/02.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.

**WAC 434-230-010 Sample ballots.** Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29A.36.121. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-230-010, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-230-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-010, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-020 Placement of state ballot measures.** State ballot measures shall appear first on all sample ballots and on all general election ballots. In the event state ballot measures are to appear on the primary ballot, they shall also appear first. Measures shall appear in sequential number in the following order:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature and alternate proposals, if any;

(5) Proposed Constitutional amendments (senate joint resolutions, then house joint resolutions).

Ballot measures submitted by local governmental units shall be placed as described in WAC 434-30-030 [434-230-030].

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-020, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-030 Placement of ballot measures for local units of government.** All county-wide ballot measures shall be listed immediately following state ballot measures. In the absence of state ballot measures, county-wide ballot measures shall appear first where state ballot measures would appear. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units shall be consistent on official, absentee, and sample ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-230-030, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-230-030, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-230-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-030, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-040 Candidate's political party designation—Primary to general.** No person who has offered himself or herself as a candidate for the nomination of one party at the primary, shall have his or her name printed on the ballot of the succeeding general election as the candidate of another political party.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-040, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-050 Candidate nominated by two or more political parties or for two or more offices.** In the event a candidate, as a result of write-in votes, is the nominee of two or more political parties for the same office, such candidate shall designate in writing, under which political party designation he or she desires to be listed on the ballot. Such written notice shall be submitted to the county auditor within three days of the certification of the primary.

In the event a candidate, as a result of write-in votes in the primary, is a nominee for two or more offices, the candidate shall notify the county auditor within three days of the primary certification, in writing, of the single office for which he or she desires to appear on the general election bal-

lot. Any void in candidacy for other positions thus created will be handled as provided by law.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-050, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-060 Primary votes required for appearance on general election ballot.** Following any non-partisan primary, no candidate's name shall be entitled to appear on the general election ballot unless he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

Following any partisan primary, no major political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office. The requirement in RCW 29A.36.191 that a candidate for partisan office receive at least one percent of the votes cast for that office in order to appear on the general election ballot is unenforceable based on *Libertarian Party v. Sam Reed*, Thurston County Superior Court No. 04-2-01974-2 (2004).

In those charter counties where provision is made in the county charter for the qualification of minor party and independent candidates, the charter provisions shall apply if the candidates has chosen that method for ballot qualification.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-230-060, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-060, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-070 Method for billing expense for printing and distributing ballot materials.** As provided by RCW 29A.36.220, the cost of printing ballots, ballot cards, and instructions and the delivery of materials to the precinct election officers shall be an election cost that shall be borne as determined under RCW 29A.04.410 and 29A.04.420. These costs shall include all expenses associated with, but not limited to, the printing of election related materials including costs associated with the ordering, administration, design, typesetting, layout, and printing of ballots, ballot cards, instructions, election signs, sample ballots, official tally sheets, and other related materials. Costs associated with the delivery of supplies include, but are not limited to, the transportation and delivery of election materials and voting devices; plus costs associated with coordinating the delivery and return of these items. Each jurisdiction or entity shall be responsible for its proportionate share of these election printing costs. Counties may choose to compute election costs utilizing the state auditor's allocation formula.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-230-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-070, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-080 Judicial ballots—Form.** Judicial positions and candidates shall appear separately on the non-partisan portion of the ballot in the following order: Judges of the supreme court, judges of the court of appeals, judges of

the superior court, and district court judge. Each such office shall be designated with position numbers and vote for one, two, etc., (as the case may be). Any position for an unexpired term or short/full term shall be listed on the ballot after positions scheduled for full term elections, stating the length of the term, followed by the words "unexpired" or "short/full term," as the case may be.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-080, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-090 Determining nominees for multiple positions.** If there are two or more places to be filled for a nonpartisan office, the number of candidates equalling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-090, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-150 Ballot uniformity.** Counties may use varying sizes and colors of ballot cards if such size and color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate absentee ballots, poll ballots, vote by mail ballots, or political party ballots.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-230-150, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, recodified as § 434-230-150, filed 1/13/98, effective 2/13/98. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-150, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-160 Poll-site voting instructions.** The ballot shall identify the type of primary or election, the county, and the date of the primary or election. Prominently displayed in the voting booth or on the ballot shall appear instructions directing the voter how to correctly cast votes on issues and candidates, including write-in votes. The instructions shall read substantially as follows: To vote for a candidate or for or against a ballot measure, mark the voting position to the right of the candidate or ballot measure for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, if applicable, the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot and mark the write-in position.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-230-160, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-230-160, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-230-160, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-160, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-170 Ballot form.** Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . . with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-

year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed together with political party designation certified by the secretary of state as provided in RCW 29A.36.011 or the word "nonpartisan," or "NP" as applicable. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together with one vote response position for each party, where the voter may indicate his or her choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-230-170, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-230-170, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210 and 29.30.020. 00-11-042, § 434-230-170, filed 5/11/00, effective 6/11/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-170, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-170, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-180 Paper ballots and ballot cards—Numbering.** All paper ballots and ballot cards shall be sequentially numbered in such a way to permit removal of such numbers without leaving any identifying marks on the ballot card. The sequential number shall be used to inventory ballots issued at a precinct on election day, and may be used to facilitate the auditing process for certification of an election. At no time may the numbers be used to trace a specific ballot back to an individual voter. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-180, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-180, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-190 Paper ballot uniformity.** All paper ballots used in an election shall be uniform in size. Counties may use varying colors of paper ballots if such color is used consistently throughout a region, area, or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying colors may also be used to designate absentee ballots, official ballots, or vote by mail ballots, and in the case of a presidential preference primary, political party ballots.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-190, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-190, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-200 Paper ballot instructions.** All paper ballots shall identify the type of primary or election, the county, and the date of the primary or election. The ballot shall contain instructions on the proper method of recording a vote, including write-in votes. The instructions shall read substantially as follows: If you desire to vote for or against any measure, place an X in the appropriate square following such measure. To vote for a person, mark an X in the square to the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation, if for a partisan office, in the space provided. (If desired a graphical representation of a box can be used in lieu of the word "square" in the instructions.)

Absentee ballots shall be designated with "absent voter" or "absentee ballot" printed at the top of the ballot.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-200, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-200, filed 5/4/92, effective 6/4/92.]

**WAC 434-230-210 Paper ballots—Ballot form.** Following ballot measures, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . , with the words, "one," "two," or a spelled number). Office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be arranged in the manner described in RCW 29A.36.120. Immediately following shall be the names of all candidates for that position, together with the political party designation certified by the secretary of state as provided in RCW 29A.36.010 or the word "nonpartisan" or "NP." Each office to be elected shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with a single square to either the left or right in which the voter indicates their choice.

Candidates names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a box at either the left or right of the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote.

Immediately following the list of candidates for a given position shall appear a blank space or spaces for writing in the name of a candidate, followed by a box to the right of the blank space.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-230-210, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210 and 29.30.020. 00-11-042, § 434-230-210, filed 5/11/00, effective 6/11/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-210, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-210, filed 5/4/92, effective 6/4/92.]

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**WAC 434-230-220 Same party designations used for primary and general elections.** The party designations certified by the secretary of state in RCW 29A.36.010 for primary elections shall be used on all general election ballots.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-230-220, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210 and 29.30.020. 00-11-042, § 434-230-220, filed 5/11/00, effective 6/11/00.]

## Chapter 434-250 WAC VOTING BY MAIL

### WAC

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**WAC 434-250-010 Purpose.** This chapter implements the various methods for voting by mail and conducting elections by mail.

(1) These rules establish standards and procedures for the issuance of:

- (a) Ongoing absentee ballots, as authorized by RCW 29A.40.040;
- (b) Single absentee ballots, as authorized by RCW 29A.40.020; and
- (c) Special absentee ballots, as authorized by RCW 29A.40.050.

(2) These rules also establish standards and procedures for the following methods of conducting elections by mail:

- (a) Counties designated as mail ballot counties, as authorized by RCW 29A.48.010(1);
- (b) Precincts designated as mail ballot precincts, as authorized by RCW 29A.48.010(2);
- (c) Special elections conducted by mail, as authorized by RCW 29A.48.020; and
- (d) Odd year primary elections conducted by mail, as authorized by RCW 29A.48.030.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-010, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-020 Definitions.** As used in this chapter:

- (1) "Absentee ballot" includes:

(a) An ongoing absentee ballot issued to a voter who has requested status as an ongoing absentee voter, as authorized by RCW 29A.40.040;

(b) A single absentee ballot issued to a voter who has requested an absentee ballot for a single election, as authorized by RCW 29A.40.020;

(c) A special absentee ballot issued to a voter who has indicated that he or she will be unable to vote and return a regular absentee ballot timely, as authorized by RCW 29A.40.050; and

(d) A hospital absentee ballot issued to a voter confined to a health care facility on the day of a primary or election, as authorized by RCW 29A.40.080.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system for the purpose of producing returns of votes cast, but does not include tabulation.

(3) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system for the purpose of producing returns of votes cast. Initial processing includes, but is not limited to: Verification of the signature and postmark on the return envelope; removal of the security envelope from the return envelope; removal of the ballot from the security envelope; manual inspection for damage, write-in votes, and incorrect or incomplete marks; duplication of damaged and write-in ballots; scanning and resolution of ballots on a digital scan voting system; and other preparation of ballots for final processing.

(4) "Mail ballot" means a ballot used in an election conducted by mail, as authorized by RCW 29A.48.010, 29A.48.020, or 29A.48.030. Unless specified otherwise, mail ballots must be prepared and processed in the same manner as absentee ballots.

(5) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-250-020, filed 11/15/06, effective 12/16/06; 05-17-145, § 434-250-020, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-025 Broken or missing seals.** If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. 06-14-050, § 434-250-025, filed 6/28/06, effective 7/29/06.]

## BALLOTS

**WAC 434-250-030 Applications.** (1) As authorized by RCW 29A.40.040, requests for status as an ongoing absentee voter must be made in writing. With the exception of county auditors who conduct primaries and elections entirely by mail, each county auditor must provide applications for requests made in writing. The form must include, but not be limited to, the following:

(a) A space for the voter to print his or her name and the address at which he or she is registered to vote;

(b) The address to which the ballot is to be mailed; and

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(c) A space for the voter to sign and date the application. A voter may request status as an ongoing absentee voter by indicating such on a standard voter registration form.

(2) As authorized by RCW 29A.40.020 and 29A.40.030, requests for a single absentee ballot may be made in person, by telephone, electronically, or in writing, and may be made by a family member. Each county auditor must provide applications for requests made in writing. The form must include, but not be limited to, the following:

(a) A space for the voter to print his or her name and the address at which he or she is registered to vote;

(b) The address to which the ballot is to be mailed;

(c) A space for the voter to indicate for which election or elections the application is made; and

(d) A space for the voter to sign and date the application.

(3) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. In addition to the requirements for a single absentee ballot, as provided in subsection (2) of this section, the form must include:

(a) A space for an out-of-state, overseas, or service voter not registered to vote in Washington to indicate his or her last residential address in Washington;

(b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible; and

(c) The declaration required in WAC 434-250-050.

The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot received more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time and then processed.

(4) As authorized by RCW 29A.40.080, requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW 70.37.020(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office.

(5) If an application for an absentee ballot does not contain sufficient information to enable the auditor to issue the correct absentee ballot, the auditor shall notify the person and explain why the application is not accepted. If, in the judgment of the county auditor, enough time exists to correct the application, the county auditor must request the proper information from the voter in order to facilitate the application. If, in the judgment of the county auditor, insufficient time exists to correct the application, the auditor must issue the absentee ballot as if the voter had listed the county auditor's office as his or her residence. Upon its return, the ballot must be referred to the county canvassing board, and the only offices or issues that may be tabulated are those common to the entire county and those for which it can be conclusively determined the voter is qualified to vote.

[Statutory Authority: RCW 29A.04.611. 06-14-047, § 434-250-030, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-250-030, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-040 Instructions to voters.** (1) In addition to the instructions required by chapters 29A.36 and 29A.40 RCW, instructions for properly voting and returning an absentee ballot must also include:

(a) How to correct a ballot by crossing out the incorrect vote and voting the correct choice;

(b) Notice that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an overvote and no votes for that office or ballot measure will be counted;

(c) How to complete and sign the affidavit on the return envelope;

(d) How to make a mark, witnessed by two other people, if unable to sign the affidavit;

(e) How to place the ballot in the security envelope and place the security envelope in the return envelope;

(f) How to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(g) Notice that postage is required, if applicable; and

(h) Notice that, in order for the ballot to be counted, it must be either postmarked or deposited at a designated place no later than election day, and providing the location, dates, and times for depositing the ballot as an alternative to mailing the ballot.

(2) Instructions that accompany a special absentee ballot must also include:

(a) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office; and

(b) Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification of the election, it will be tabulated and the special absentee ballot will be voided.

[Statutory Authority: RCW 29A.04.611, 06-23-094, § 434-250-040, filed 11/15/06, effective 12/16/06; 05-17-145, § 434-250-040, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-050 Ballot materials.** In addition to the instructions and in addition to materials required by chapters 29A.36 and 29A.40 RCW, each absentee ballot must be accompanied by the following:

(1) A security envelope, which may not identify the voter and must have a hole punched in a manner that will reveal whether a ballot is inside;

(2) A return envelope, which must be addressed to the county auditor and have a hole punched in a manner that will reveal whether the security envelope is inside. The return envelope must display the words "OFFICIAL BALLOT - DO NOT DELAY" prominently on the front, the words "POSTAGE REQUIRED" or "POSTAGE PAID" in the upper right-hand corner, and the following oath with a place for the voter to sign, date, and write his or her daytime phone number:

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I do solemnly swear or affirm under penalty of perjury that:

I am a legal resident of the state of Washington;

I am entitled to vote in this election;

I have not already voted in this election;

It is illegal to vote if I am not a United States citizen;

It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;

It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter, except as otherwise provided by law; and

Attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

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Signature \_\_\_\_\_ Date \_\_\_\_\_

The return envelope must conform to postal department regulations.

County auditors may use existing stock of absentee envelopes until January 1, 2006.

[Statutory Authority: RCW 29A.04.611, 05-17-145, § 434-250-050, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-060 Service and overseas voters.** (1)

Pursuant to RCW 29A.40.150, the secretary of state must furnish envelopes and instructions for overseas and service voters. For purposes of RCW 29A.40.150, service voters do not include participants of the address confidentiality program established in chapter 40.24 RCW. All absentee ballots to voters in these categories must be sent postage-free, pursuant to the provisions of federal law, and the return envelopes must be marked as to indicate that they may be returned free of postage.

(2) A county auditor must accept a federal write-in absentee ballot, as authorized by 42 U.S.C. Sec. 1973ff, if sufficient information is provided to allow the county auditor to process the ballot.

[Statutory Authority: RCW 29A.04.611, 06-23-094, § 434-250-060, filed 11/15/06, effective 12/16/06; 06-14-050, § 434-250-060, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-250-060, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-070 Forwarding ballots.** If the county auditor chooses to forward absentee ballots, as authorized by RCW 29A.40.091, the auditor must include with the ballot an explanation that is substantially similar to the following:

For each jurisdiction listed on the ballot, you must reside in the jurisdiction in order to vote for that office or issue. If you have any questions about your eligibility to vote in this election, please contact your county auditor.

This explanation may be provided on the ballot envelope, on an enclosed insert, or on the ballot itself. The county auditor must utilize postal service endorsements that allow the ballots to be forwarded, allow the county auditor to receive from the post office the addresses to which ballots were forwarded, and allow the return of ballots that were not capable of being forwarded. If the above explanation is not provided to the voter, the return envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

[Statutory Authority: RCW 29A.04.611, 05-17-145, § 434-250-070, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-080 Replacement ballots.** The county auditor may issue a replacement ballot, as authorized by RCW 29A.40.061, if the request is received prior to 8:00 p.m. on election day.

Replacement ballots or the original ballot, whichever is received first, shall be credited to the voter's registration file and tabulated if the ballot meets all requirements for tabulation. If the auditor receives additional ballots from a voter, as indicated by the fact that the voter is already credited with voting, the additional ballots shall not be counted and shall be forwarded to the county canvassing board for rejection.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-080, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-085 Provisional ballots issued before election day.** A provisional ballot issued before election day, in accordance with RCW 29A.40.070 and 29A.48.010, is valid if issued to an ongoing absentee voter or issued in a county conducting the election entirely by mail.

[Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-250-085, filed 6/28/06, effective 7/29/06.]

**WAC 434-250-090 Absentee ballots issued after the poll lists have been marked.** Absentee ballots which are issued and returned to the county auditor after the poll lists have been marked shall be segregated from other absentee ballots, and shall not be tabulated until the poll lists have been examined following the election to ensure that those persons did not vote at the polls on election day.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-090, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-095 Voting on direct recording electronic voting devices.** If a voter who was issued an absentee or mail ballot requests to vote on a direct recording electronic voting device, the county auditor must first confirm that the voter has not already returned a voted ballot. Confirmation that the voter has not already returned a voted ballot may be achieved by accessing the county voter registration system by electronic, telephonic, or other means. If the county auditor is unable to confirm that the voter has not already returned a voted ballot, the voter may not vote on a direct recording electronic voting device.

Consistent with RCW 29A.46.110, in order to prevent multiple voting, the voter must be immediately credited or otherwise flagged as having voted. If a voted absentee or mail ballot is returned after a ballot is cast on the direct recording electronic voting device, the absentee or mail ballot must not be counted.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-095, filed 12/28/05, effective 1/28/06.]

**WAC 434-250-100 Depositing of ballots.** Ballots may be deposited in the auditor's office during normal business hours prior to the day of the election, and from 7:00 a.m. to 8:00 p.m. on the day of the election. Places of deposit may be staffed or unstaffed.

(1)(a) Staffed sites must be staffed by at least two people. Deposit site staff may be employees of the county auditor's office or persons appointed by the auditor. If two or more deposit site staff are persons appointed by the county auditor,

the appointees shall be representatives of different major political parties whenever possible. Deposit site staff shall subscribe to an oath regarding the discharge of the duties.

(b) Staffed deposit sites must be open from 7:00 a.m. until 8:00 p.m. on the day of the election and may be open prior to the election on dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place of deposit on the ballot envelope, and such ballots must be referred to the canvassing board for consideration of whether special circumstances warrant consideration, as documented by the deposit site staff.

(c) A staffed deposit site that only receives ballots is not considered a polling place. A staffed deposit site that both receives and issues ballots is considered a polling place.

(2) Unstaffed sites may be used if the ballot drop box is either:

(a) Constructed and secured according to the same requirements as United States Postal Service postal drop boxes; or

(b) Secured and located indoors.

(3) Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed. From eighteen days prior to election day until 8:00 p.m. on election day, two people who are either employees of or appointed by the county auditor must empty each ballot drop box with sufficient frequency to prevent damage or unauthorized access to the ballots. Ballots must be placed into sealed transport carriers and returned to the county auditor's office or another designated location. At exactly 8:00 p.m. on election day, ballot drop boxes must be emptied or sealed to prevent the deposit of additional ballots.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-250-100, filed 11/15/06, effective 12/16/06; 06-14-047, § 434-250-100, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-100, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-100, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-110 Processing of absentee ballots.** (1) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots.

(2) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its representatives may perform initial processing of absentee ballots upon their return. In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day. Following initial processing, all absentee ballots must be kept in secure storage until final

processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.

(3) Final processing may begin after 7:00 a.m. on the day of the election.

(4) Tabulation may begin after 8:00 p.m. on the day of the election.

(5) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all over-votes and blank ballots.

(a) All rejected ballots shall be outstacked for additional manual inspection.

(b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.

(c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-110, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-120 Verification of the signature and postmark on ballots.** A ballot shall be counted only if:

(1) It is returned in the return envelope, or a similar envelope if it contains the same information and signed affidavit and is approved by the auditor;

(2) The affidavit is signed with a valid signature in the place afforded for the signature on the envelope;

(3) The signature has been verified pursuant to WAC 434-379-020, or if the voter is unable to sign his or her name, two other persons have witnessed the voter's mark;

(4) It is postmarked not later than the day of the election or deposited in the auditor's office, a polling location, or a designated deposit site not later than 8:00 p.m. on election day; and

(5) The ballot is received prior to certification of the election.

The signature on the return envelope, or on a copy of the return envelope, must be compared with the signature in the voter's voter registration file using the standards established in WAC 434-379-020. The signature on a return envelope may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

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The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-120, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-120, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-130 Maintenance of an audit trail.**

Each county auditor shall maintain an audit trail with respect to the processing of absentee ballots, which shall include, but not be limited to, the following:

(1) A record of the date each absentee ballot application was received, the date the ballot was mailed or issued, and the date the ballot was received;

(2) The number of absentee ballots issued and returned, by legislative and congressional district, for each primary and general election;

(3) A record of the disposition of each request for an absentee ballot that was not honored;

(4) A record of the disposition of each returned absentee ballot that was not counted;

(5) A record of the time and place each time the county canvassing board met to process absentee ballots;

(6) A documentation of the security procedures undertaken to protect the integrity of all ballots after receipt, including the seal numbers used to secure the ballots during all facets of the absentee ballot process; and

(7) A reconciliation that all absentee ballots counted plus all absentee ballots rejected is equal to the total number of absentee ballots received.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-130, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-140 Ballot process to be expedited.** All election officials charged with any duties or responsibilities with respect to absentee ballots shall ensure that those duties are performed in an expeditious manner, in order to maximize the opportunity for voters to receive, vote, and return the ballots in time to be counted.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-140, filed 8/19/05, effective 9/19/05.]

**ELECTIONS BY MAIL**

**WAC 434-250-300 Elections by mail.** Elections may be conducted either partially or entirely by mail, as authorized by RCW 29A.48.010, 29A.48.020, or 29A.48.030. If every precinct in a county has been designated a mail ballot precinct, as authorized by RCW 29A.48.010(2), the county is considered a mail ballot county, as authorized by RCW 29A.48.010(1). Separate absentee ballots need not be provided in an election conducted by mail. Unless specified otherwise, mail ballots must be prepared and processed in the same manner as absentee ballots.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-300, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-310 Notice of elections by mail.** (1) A jurisdiction requesting that a special election be conducted entirely by mail, as authorized by RCW 29A.48.020, may

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include the request in the resolution calling for the special election, or may make the request by a separate resolution. Not less than forty days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, whether the request is granted and, if not granted, the reasons why.

(2) In the event that a primary is to be conducted by mail, the auditor must notify the jurisdiction involved not later than forty-five days before the primary date.

(3) In addition to the information required in the notice of election published pursuant to RCW 29A.52.351, a county auditor conducting an election by mail, whether for a single jurisdiction or the entire county, must also state:

(a) That the election will be conducted by mail and regular polling places will not be open;

(b) The precincts that are voting by mail if it is only specific precincts rather than the entire county;

(c) The location where voters may obtain replacement ballots;

(d) The amount of postage required on the return envelope;

(e) The dates, times and locations of designated deposit sites and sites for voting devices that are accessible to the visually impaired.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-310, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-320 Deposit sites.** A county auditor conducting a county-wide election entirely by mail must provide at least two sites for the deposit of ballots. One of the deposit sites may be at the county auditor's office. All other deposit sites must be at geographical locations that are different from the county auditor's office. All deposit sites must meet the requirements of WAC 434-250-100.

[Statutory Authority: RCW 29A.04.611. 06-14-047, § 434-250-320, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-250-320, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-330 County auditor's office as a polling place.** (1) For elections conducted entirely by mail, services that would have been provided at the polling place must, at a minimum, be provided at the county auditor's office, including provisional ballots. Such services must be provided beginning the date that ballots are mailed to voters. Identification must be provided in compliance with RCW 29A.44.205 and WAC 434-253-055, except in the case of replacement ballots as authorized by RCW 29A.48.040. If the auditor does not maintain poll books at the auditor's office, the voter must sign a log sheet that includes the same information that would have appeared in a poll book.

(2) If the persons providing services at the county auditor's office are not employees of the auditor's office but are persons appointed by the county auditor, the appointees must be representatives of different major political parties and must subscribe to an oath regarding the discharge of duties.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-330, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-330, filed 8/19/05, effective 9/19/05.]

**WAC 434-250-340 Manual count of selected precincts.** In an election conducted entirely by mail, the manual

count of precincts requested by political party observers pursuant to RCW 29A.60.170 must be conducted as follows:

(1) Upon mutual agreement, the official political party observers may request that a manual count be conducted of one race or issue in up to three precincts.

(2) The official political party observers may mutually agree on which precincts are to be counted, or may agree that the selection be made at random. Once the three precincts are selected, the official political party observers may mutually agree on which race or issue in each precinct is to be counted, or may agree that the selection be made at random. The selection must occur before election day to allow the county auditor to assemble the proper ballots.

(3) The count may begin no earlier than 8:00 p.m. on election day and must be completed by 8:00 p.m. on the second day after election day. The official political party observers must receive timely notice of the time and location of the count established by the county auditor. However, the process must proceed as scheduled if the observers are unable to attend.

(4) The ballots that are ready for tabulation at the time the count begins must be included in the manual count of the selected precincts.

(5) The manual count of the selected precincts may be conducted either before or after the voting system count. The same set of ballots must be used in both counts.

(6) The results of the manual count must be compared to the results of the voting system count, and documented in a report signed by the county auditor and political party observers present.

[Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-250-340, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-340, filed 12/28/05, effective 1/28/06.]

## Chapter 434-253 WAC

### THE POLLING PLACE—BEFORE, DURING AND AFTER THE ELECTION

(Formerly chapter 434-53 WAC)

#### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-253-040	Verification of voter's name. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-040, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-253-043	Provisional ballots—When issued. [Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-253-043, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-253-043, filed 3/12/02, effective 4/12/02.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-253-060	Credit for voting. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-060, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-253-180	Recording of spoiled ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-180, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-253-190	Disposition of irregularly voted ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-190, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-190, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-253-210	Preparing voted ballots for transfer. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-210, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-210, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-253-230	Sealing the ballot pages appearing in punchcard voting devices. [Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-230, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-230, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-230, filed 6/2/92, effective 7/3/92.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-253-260	Counting and tabulation prior to closing of the polls—Secrecy of the returns. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-

045, recodified as § 434-253-260, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-260, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

**WAC 434-253-005 Broken or missing seals.** If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. 06-14-050, § 434-253-005, filed 6/28/06, effective 7/29/06.]

**WAC 434-253-010 Polling place—Activities prohibited.** The county auditor shall ensure that all precinct election officers receive instruction regarding activities that are not permitted within the polling place, including electioneering, circulation of campaign material, soliciting petition signatures, or impeding the voting process. Whenever it is necessary to maintain order within the polling place and the surrounding environs, the inspector may, if circumstances warrant and if the means to do so are available, contact the county auditor, who shall determine the corrective action required. Such corrective action may include contacting a law enforcement agency for assistance.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-253-010, filed 11/15/06, effective 12/16/06; 05-17-145, § 434-253-010, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-010, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-020 Polling place—Election supplies.** Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;
- (4) Sufficient number of ballots as determined by election officer;
- (5) Ballot containers;
- (6) United States flag;
- (7) Voting instruction signs;
- (8) Challenge and provisional ballots and envelopes;
- (9) Cancellation cards due to death;
- (10) Voting equipment instructions;
- (11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;
- (12) Keys and/or extra seals;
- (13) Pay voucher;
- (14) Ballots stub envelope;
- (15) Emergency plan of action;
- (16) Either sample ballots or voters' pamphlets;
- (17) HAVA voter information poster;
- (18) Voter registration forms; and
- (19) For partisan primaries in counties using physically separate ballots, and "unvoted ballots" container with a numbered seal.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-253-020, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-253-020, filed 12/28/05, effective 1/28/06. Statutory

Authority: RCW 29A.04.611. 05-17-145, § 434-253-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-020, filed 6/2/92, effective 7/3/92.]

#### **WAC 434-253-023 Voter verified paper audit trail—**

**Duties prior to opening of the polls.** If a direct recording electronic device is used at a poll site, before a device may be used by a voter, an inspector and at least one judge must verify:

(1) The paper printer or paper canister is secured so that the paper record may not be removed from the device by anyone other than an election officer;

(2) Only a blank portion of the paper record is visible to the voter as he or she approaches the device; and

(3) The paper printer or paper canister is sealed with a numbered seal to ensure the paper tape cannot be removed by the voter.

[Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-253-023, filed 5/10/06, effective 6/10/06; 05-24-040, § 434-253-023, filed 11/30/05, effective 12/31/05.]

#### **WAC 434-253-024 Contents of poll book of registered voters.**

Poll books must be printed utilizing information from the official statewide voter registration data base. The poll book of registered voters must contain the name, residence address, sex, month and day of birth, and county voter registration number of each voter in the precinct, a listing of the districts in which that voter resides, and a designation of the applicable county, legislative district, and precinct, or a ballot code identifying this information. The names must be listed alphabetically by last name. The list must contain a space for each voter to sign his/her name and to verify his/her current address and a space for the inspector or judge to credit the voter with having participated in a particular election. The auditor may eliminate from poll books ongoing absentee voters and voters requesting absentee ballots for that election. The poll book must clearly indicate whether or not absentee voters are included on the list. If they are included, a notation must be made next to each absentee voter's name.

[Statutory Authority: RCW 29A.04.611. 05-24-039, § 434-253-024, filed 11/30/05, effective 12/31/05.]

#### **WAC 434-253-025 Polling place—Items to be posted.**

The following items must be posted or displayed at each polling place while it is open:

(1) United States flag;

(2) HAVA voter information poster;

(3) Voting instructions printed in at least 16 point bold type;

(4) Either sample ballots or voters' pamphlets;

(5) Voter registration forms;

(6) Election materials in alternative languages if so required by the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

(7) Any other items the county auditor deems necessary.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-025, filed 8/19/05, effective 9/19/05.]

#### **WAC 434-253-030 Securing the ballot box.** After the ballot box is determined to be empty, it shall be locked or

sealed with a numbered seal as directed by the county auditor. If a lock is used, the key shall be retained by the inspector. If a numbered seal is used the seal shall remain on the ballot box until it is opened following the closing of the polls, or to permit the early tabulation of paper ballots, or the early pickup and transfer of ballots to the counting center.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-030, filed 6/2/92, effective 7/3/92.]

#### **WAC 434-253-045 Provisional ballots—Required information.**

A provisional ballot may only be voted on a direct recording electronic voting device if the voting system has been certified by the secretary of state for provisional voting and the county auditor has submitted approved procedures to the secretary of state. At a minimum, the following information is required to be printed on the outer provisional ballot envelope:

(1) Name of voter.

(2) Voter's registered address both present and former if applicable.

(3) Voter's date of birth.

(4) Reason for the provisional ballot.

(5) Polling place and precinct number, if applicable, at which voter voted.

(6) Sufficient space to list disposition of the ballot after review by the county auditor.

(7) The following oath with a place for the voter to sign and date:

I do solemnly swear or affirm under penalty of perjury that:

I am a legal resident of the state of Washington;

I am entitled to vote in this election;

I have not already voted in this election;

It is illegal to vote if I am not a United States citizen;

It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;

It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter, except as otherwise provided by law, and

Attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-253-045, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-253-045, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-045, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-253-045, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-253-045, filed 3/12/02, effective 4/12/02.]

#### **WAC 434-253-047 Provisional ballots—Disposition.**

Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election.

A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record.

Once the provisional ballot has been investigated, disposition of the ballot is as follows:

(1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot is not counted.

(2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.

(3) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, the voter must be offered the opportunity to reregister and the provisional ballot is not counted.

(4) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received for his or her precinct, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

(5) If the voter is a registered voter in another county, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted, to the supervisor of elections for the jurisdiction in which the voter is registered. The ballot must be forwarded within seven calendar days after a primary or special election and fifteen calendar days after a general election, and as soon as possible if past that date.

(6) If an absentee voter who voted a provisional ballot at the polls has already returned a voted absentee ballot, the provisional ballot is not counted. If the absentee voter who voted a provisional ballot at the polls has not returned a voted absentee ballot, the provisional ballot is counted. If a voted absentee ballot is returned after the provisional ballot has been counted, the absentee ballot is not counted.

(7) If the voter voted a provisional ballot because he or she failed to produce identification as required by RCW 29A.44.205, the ballot is counted if the signature on the envelope matches the signature in the voter registration record.

(8) Provisional ballots voted for reasons not covered by this section or state statute must be determined by the county canvassing board.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-047, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-253-047, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-253-047, filed 3/12/02, effective 4/12/02.]

**WAC 434-253-048 Provisional ballots—Free access system.** (1) Each county shall establish a free access system, as required by the Help America Vote Act, 42 USC sec. 15482 (a)(5), and RCW 29A.60.195 for provisional ballot voters.

(2) The free access system must employ measures to ensure that access is free of cost to the voter and restricted to the individual who cast the ballot, and that the voter's personal information is secure and confidential.

(3) For provisional ballots sent to other counties in the state, the free access system must provide the voter with

information as to where the ballot was sent and how to find out if the ballot was counted in that county.

(4) For ballots received from another county, the free access system must provide the voter with information as to whether the ballot was counted and, if not, why. The county may send instructions to the voter on how to access the information.

(5) Provisional ballot disposition information must be available on a county's free access system no later than one week following certification of the election.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-048, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-253-048, filed 2/25/05, effective 3/28/05.]

#### **WAC 434-253-049 Provisional ballots—Processing.**

When the disposition of the ballot determines that the ballot is to be counted, the ballot shall be processed in a manner similar to an absentee ballot except the outer provisional ballot envelopes must be retained separately from the absentee ballot return envelopes. Ballots, including those ballots that are rejected, must be kept in secure storage when not being processed.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-049, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-253-049, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-253-049, filed 3/12/02, effective 4/12/02.]

#### **WAC 434-253-050 Voter unable to sign name—Authority to vote.**

Whenever a registered voter's name appears in the poll book or precinct list but the voter is unable to sign his/her name, the precinct election officer shall require the person offering to vote to be identified by another registered voter and issued a ballot. The ballot shall be processed in the same manner as other regularly voted ballots. In the event that the person offering to vote cannot be identified by another registered voter, the precinct election officer shall issue the person a provisional ballot. Such provisional ballots shall be referred to the county canvassing board. The precinct election officer shall note on the poll book that the voter could not sign their name. The county auditor shall verify after election day that the voter's registration reflects the voter's inability to sign. The county auditor shall request an updated signature for those voters without current signatures on file.

[Statutory Authority: RCW 29A.04.611. 06-14-050, § 434-253-050, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-253-050, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-253-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-050, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-055 Identification.** A voter must provide photo identification to the precinct election officer before signing the poll book. If the voter cannot provide photo identification, he or she may satisfy the requirements of RCW 29A.44.205 by providing a voter registration card issued by the county auditor or a copy of a current utility bill, bank statement, paycheck, government check, or other government document. If the voter cannot provide any identification, the voter must be issued a provisional ballot rather than a regular ballot.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-055, filed 8/19/05, effective 9/19/05.]

**WAC 434-253-070 Accounting for ballot stub.** Before any ballot is placed in the ballot box the numbered ballot stub must be recorded, and then removed and kept by the precinct election officer. All stubs shall be returned to the county auditor's office with all other election material. The stubs shall be retained with other election material.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-070, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-080 Voter leaving polling place prior to casting ballot.** (1) Whenever it is noted by a precinct election officer that a voter has been issued a ballot and leaves a polling place without returning the ballot, a notation shall be made in the poll book or list along with the ballot stub number of the ballot issued.

(2)(a) If a ballot on a direct recording electronic device has not been cast but has been printed by the voter, two precinct election officers, preferably representing different political parties, may cast the ballot.

(b) If a ballot on a direct recording electronic device has not been printed nor cast by the voter, a precinct election officer must cancel the ballot and make a corresponding notation in the accountability form.

[Statutory Authority: RCW 29A.04.611. 06-14-048, § 434-253-080, filed 6/28/06, effective 7/29/06; 05-24-040, § 434-253-080, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-080, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-090 Designation of poll watchers.** All persons designated as poll watchers shall be designated in writing by the political party or committee that they represent. Such designation shall be signed by an officer of the party or committee. The auditor may require that a copy of this designation be filed with his or her office not later than the day prior to the primary or election and shall, whenever possible, ensure that a copy of the designation is provided to each affected polling place inspector. The inspector shall ensure that absolutely no interference with voting takes place.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-090, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-100 Electronic voting devices—Identified for specific offices or measures.** In counties using electronic voting devices that employ a separate ballot, where not all voters within a precinct or polling place are entitled to vote on all candidates or measures appearing in that precinct or polling place, the voter shall be directed to a voting device that contains only the appropriate offices and measures. Unless otherwise provided by law or administrative rule, if the ballots are segregated by the use of a prepunch or other machine-readable code, the voter may be directed to any voting device, provided the prepunch or code is designed to permit the tabulation of only those responses for which the voter

was entitled to vote. Instructions shall be provided to the voter identifying within each device which ballot pages, or sections of ballot pages are applicable to the various ballot codes assigned to the voting device.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-100, filed 6/2/92, effective 7/3/92.]

#### **WAC 434-253-110 Examination of voting devices.**

While the poll booths are open, precinct election officers shall examine the voting devices, poll booths, printed materials within the poll booths, and paper printers or paper canisters attached to direct recording electronic devices to ensure that they have not been tampered with and are in proper working condition. Precinct election officers must also monitor for instances where voters using a direct recording electronic device have left the polling place without casting their ballots. At polling places other than the courthouse, there must be one precinct election officer dedicated to monitoring the voting devices.

(1) If any seal or lock on a direct recording electronic device, including seals for the paper printer or paper canister, has been broken or tampered with, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. The direct recording electronic device and paper printer must be transferred pursuant to WAC 434-253-115 (1)(b). A written report regarding the circumstances of the removal from service must be sent to the county canvassing board.

(2) Precinct election officers must replace any printed materials that were to remain in the poll booth if they have been defaced, removed, or destroyed.

(3) If a paper printer for a direct recording electronic device has malfunctioned or run out of paper, it must be handled pursuant to WAC 434-253-115.

(4) If a voter has voted and left the polling place without casting his or her ballot, it must be handled in accordance with WAC 434-253-080.

[Statutory Authority: RCW 29A.04.611. 06-14-048, § 434-253-110, filed 6/28/06, effective 7/29/06; 05-24-040, § 434-253-110, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-253-110, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-253-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-110, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-115 Direct recording electronic device paper printer malfunction.** (1) The following must occur if a paper printer for a direct recording electronic device has malfunctioned or run out of paper at any time:

(a) If the precinct election officer has confirmed that no ballots have been cast after the printer ran out of paper or malfunctioned, he or she must remove the direct recording electronic device and paper printer from service, document the problem, and correct the problem, if possible. While the problem is being corrected, the direct recording electronic device and paper printer must not be removed from the poll site and must remain in sight of election officers. The direct recording electronic device and paper printer may be returned to service once the problem has been corrected.

(b) If the precinct election officer cannot confirm that no ballots were cast after the printer ran out of paper or malfunctioned, or if the problem cannot be corrected, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. The paper printer must be prepared for transfer pursuant to WAC 434-253-225. The data pack or cartridge of the direct recording device must be transported to the counting center in a sealed container, consistent with WAC 434-253-203. The auditor must present a written report regarding the circumstances of the removal from service, which includes the time, date, precinct name or number, device serial number(s) and seal numbers, to the county canvassing board.

(2) In any case where an electronic ballot has been cast without a readable corresponding paper record, the county may print the ballot image stored on the device for use as a paper record for that device, in the case of an audit or manual recount. This may mean printing all ballot images from that machine.

[Statutory Authority: RCW 29A.04.611, 06-11-042, § 434-253-115, filed 5/10/06, effective 6/10/06; 05-24-040, § 434-253-115, filed 11/30/05, effective 12/31/05.]

**WAC 434-253-120 Spoiled ballot procedures.** If the voter spoils his or her ballot by mismarking it or otherwise damaging the ballot in such a way that it cannot be accurately tabulated to reflect the voter's intent, the voter shall return the spoiled ballot to the precinct election officer. The precinct election officer shall then render the spoiled ballot unusable, make an appropriate notation on the poll book or list, and issue the voter a new ballot or ballot card. Spoiled ballots shall be clearly identified as such, and returned to the county auditor in a manner which permits the segregation of such ballots from other ballots. Precinct election officers shall ensure that an adequate audit trail exists for all spoiled ballots.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-120, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-120, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-130 Assistance to voters.** Where it appears in the judgment of the inspector that a particular voter is having difficulty casting his/her vote, and as a result, is impeding other voters from voting, the inspector may provide assistance to that voter in the same manner as provided by law for those voters who request assistance.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-130, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-130, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-140 Voter intentionally causing delay.** Where it is the judgment of the inspector that a voter is impeding other voters from voting to simply cause delay, the inspector shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the inspector shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-140, filed 10/13/97, effective 11/13/97.]

(2007 Ed.)

Statutory Authority: 1990 c 59. 92-12-083, § 434-53-140, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-150 Closing the polls.** At the prescribed closing time, the inspector shall announce aloud that the polls are closed, the doors to the polling place shall be shut, and no further persons shall be allowed to enter to vote. All persons within the polling place at the time closing is announced shall be permitted to complete the process of voting. The doors to the polling place shall remain unlocked until the election officials depart at the completion of their work, so that the work of accounting for the ballots and other voting material may be observed by interested parties.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-150, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-150, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-160 Ballot accountability form—Poll-sites without direct recording devices.** Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each list of registered voters for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts;
- (2) The number of regular ballots delivered to the poll site;
- (3) The number of provisional ballots delivered to the poll site;
- (4) The number of signatures in the poll book;
- (5) The number of regular ballots issued;
- (6) The number of provisional ballots issued;
- (7) The number of ballots that are challenged;
- (8) The total number of ballots voted;
- (9) The difference between the number of signatures in the poll book and the total number of ballots voted;
- (10) The number of regular ballots spoiled;
- (11) The number of provisional ballots spoiled;
- (12) The number of regular ballots not used;
- (13) The number of provisional ballots not used;
- (14) The number of absentee ballots accepted at the poll site;
- (15) The total number of ballots returned to the county auditor; and
- (16) The total number of ballots accounted for.

Before the opening of the polls, the information enumerated in subsections (1) through (3) of this section must be recorded on the ballot accountability sheet. If additional ballots are delivered to the poll site during the day, the precinct election officials must reflect the number of ballots delivered in subsections (2) and (3) of this section. After the closing of the polls, the information enumerated in subsections (4) through (16) of this section must be recorded on the ballot accountability sheet. Discrepancies must be reported and explained by the precinct election officers.

The precinct election officers shall attest to the accuracy of the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet and the precinct list shall be placed in the appropriate container for

return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

Whenever anything occurs at a polling place that the precinct election officers feel may create a discrepancy in accounting for all of the ballots, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

[Statutory Authority: RCW 29A.04.611, 05-17-145, § 434-253-160, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, 05-06-035 and 05-08-065, § 434-253-160, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-160, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-165 Ballot accountability form—Precincts with direct recording devices.** Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each list of registered voters for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts;
- (2) The number of regular optical scan ballots delivered to the poll site;
- (3) The number of provisional ballots delivered to the poll site;
- (4) The number of signatures in the poll book;
- (5) The number of regular optical scan ballots issued;
- (6) The number of provisional ballots issued;
- (7) The number of ballots listed on each direct recording device;
- (8) The number of regular optical scan ballots that are challenged;
- (9) The total number of ballots voted;
- (10) The difference between the number of signatures in the poll book and the total number of ballots voted;
- (11) The number of regular optical scan ballots spoiled;
- (12) The number of provisional ballots spoiled;
- (13) The number of regular optical scan ballots not used;
- (14) The number of provisional ballots not used;
- (15) The number of absentee ballots accepted at the poll site;
- (16) The total number of ballots returned to the county auditor; and
- (17) The total number of ballots accounted for.

Before the opening of the polls, the information enumerated in subsections (1) through (3) of this section must be recorded on the ballot accountability sheet. If additional ballots are delivered to the poll site during the day, the precinct election officials must reflect the number of ballots delivered in subsections (2) and (3) of this section. After the closing of the polls, the information enumerated in subsections (4) through (17) of this section must be recorded on the ballot accountability sheet. Discrepancies must be reported and explained by the precinct election officers.

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The precinct election officers shall attest to the accuracy of the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet and the precinct list shall be placed in the appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

Whenever anything occurs at a polling place that the precinct election officers feel may create a discrepancy in accounting for all of the ballots, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

[Statutory Authority: RCW 29A.04.611, 05-17-145, § 434-253-165, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, 05-06-035 and 05-08-065, § 434-253-165, filed 2/25/05, effective 3/28/05.]

**WAC 434-253-170 Securing provisional, challenged, spoiled, unused, and absentee ballots.** After the polls have closed, and before the container holding the voted ballots is opened, the unwrapped unvoted regular and provisional ballots shall be rendered unusable. Provisional, challenged, spoiled, unused, and absentee ballots must be placed in containers that are marked and sealed. These containers must then be placed in the transfer case provided for the return of voting materials to the counting center or auditor's office.

[Statutory Authority: RCW 29A.04.611, 05-17-145, § 434-253-170, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-170, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-200 Count of regular voted ballots.** After the provisional, challenged, spoiled, unused, and absentee ballots have been sorted, counted and secured, the regular voted ballots shall be removed from the ballot box and counted, and the number recorded on the ballot accountability sheet. The voted ballots must be placed in a sealed container marked with the transmittal sheet listing the precincts, the number of ballots, and the seal number. The inspector and one judge from each political party must sign the transmittal sheet. The container must then be placed in the transfer case provided for the return of voting materials to the counting center or auditor's office.

[Statutory Authority: RCW 29A.04.611, 05-17-145, § 434-253-200, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-200, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-203 Precinct count optical scan and direct recording devices—Poll-site reconciliation.** (1) Each precinct or poll-site ballot counter shall print out results immediately following the closing of the polls. A copy of the results will be posted at the poll-site or otherwise made available for public inspection, unless the secrecy of voters' ballots will be jeopardized.

(2) The total of votes cast from each counter shall be reconciled with the number of signatures in the poll book(s) and a manual count of the number of optical scan ballots from

each machine prior to transporting to the counting center. The total number of ballots reported on the results printout should equal the number of signatures in the poll book(s). Discrepancies shall be reported and explained by the inspector.

(3) In a sealed container, the data pack/chip of each ballot counter shall be transported to the counting center with each results printout.

[Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-253-203, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-253-203, filed 2/25/05, effective 3/28/05.]

**WAC 434-253-220 Transfer of ballots prior to closing of the polls.** The county auditor may authorize an early pick up of ballots from designated polling places prior to the closing of the polls. Where so authorized, the precinct election officers at the designated polling places shall remove the voted ballots from the voted ballot container at a time specified by the auditor and count the number of ballots. The count shall be entered on the ballot accountability sheet, a transmittal sheet completed and signed, and the ballots sealed in a transfer container in the same manner used for the closing of the polls. The transmittal sheet may be placed with the ballots or it may be attached to the outside of the transfer container. The election officials shall not leave the polling place. Ballot pickup teams, consisting of two employees of the county auditor's office or two representatives of different major political parties, shall be assigned to pick up the transfer containers for return to the counting center.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-253-220, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-220, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-220, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-225 Preparation for transfer of direct recording electronic device paper records.** (1) In preparation for transfer to a counting center, paper records from direct recording electronic devices must be either:

(a) Placed in transfer containers; or

(b) Transferred in the paper printer or paper canister if the paper printer or paper canister is sealed so the paper record cannot be removed without breaking the seal.

(2) Paper records must be accompanied by a transmittal sheet which must include at a minimum:

(a) Name or other identifier of the polling place in which the digital recording electronic device was utilized;

(b) The seal number from the paper printer; and

(c) The serial number or other identifier of the digital recording electronic device if distinctly unique from the seal number on the paper record printer or paper canister.

(3) If paper records are placed in a transfer container, the inspector and one judge from each political party, if available, must sign the transmittal sheet and place it in the transfer container. The number of paper record tapes included in the container must be recorded on the transmittal sheet. A uniquely prenumbered seal must be applied to the container.

(4) The paper records must be transferred in a manner that is consistent with the transfer of ballots.

[Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-253-225, filed 5/10/06, effective 6/10/06; 05-24-040, § 434-253-225, filed 11/30/05, effective 12/31/05.]

(2007 Ed.)

**WAC 434-253-240 Return of election supplies and materials.** Supplies and voting materials, including voted, provisional, challenged, spoiled, unused, and absentee ballots and ballot stubs must be secured and returned to the counting center, the county auditor's office, or any other location designated by the auditor. At least two employees of the county auditor's office or two officials representing different major political parties shall transfer the sealed ballot containers to the counting center, county auditor's office, or other location designated by the auditor. Pursuant to RCW 29A.60.110, ballots tabulated by poll site tabulators may be transported by one employee of the county auditor's office if the container is sealed at the poll site and then verified when returned to the counting center, county auditor's office, or other location designated by the county auditor.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-253-240, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-240, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-240, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-240, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-250 Paper ballot precincts—General applicability of rules.** The rules governing the closing of polls and the accountability of ballots shall apply to precincts and polling places using paper ballots except as provided in the following sections.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-250, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-250, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-270 Counting of ballots after polls close.** The counting and tabulation of ballots after the polls close shall be public and may be witnessed by any citizen.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-270, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-270, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-280 Paper ballots—Counting and tabulation—Procedure.** The procedure for the counting and tabulation of paper ballots at polling places shall be as follows:

(1) The inspector shall carefully examine each ballot and shall read aloud the name of each person receiving a vote and the office for which the vote for that person is cast, and the vote for and against each proposition on the ballot;

(2) The judge, representing the opposite political party of the inspector, shall observe the reading of the votes;

(3) The second judge shall tally the votes, as read, in the vote tally books provided by the county auditor. These tally books shall be returned to the county auditor at the election center;

(4) The clerk, if one is assigned, representing the opposite political party of the second judge shall, at the same time, tally the votes, as read, in the tally book provided by the auditor but retained by the inspector;

(5) The inspector and the judge observing the reading of the votes may rotate their duties from time to time upon agreement.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-280, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-280, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-290 Counting and tabulation of paper ballots where more than one set of precinct election officers are appointed—Procedure.** In paper ballot precincts, when two or more teams of precinct election officers have been appointed as provided in RCW 29A.44.450 the following procedure shall apply:

(1) The teams or teams designated as the counting board or boards shall commence the tabulation of the primary or election ballots at a time set by the county auditor;

(2) A second ballot container for receiving ballots shall be used, and the first ballot container shall be closed and delivered to the counting board or boards: Provided, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the auditor proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot containers shall continue until the polls are closed, after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted;

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies, to the county auditor;

(4) The oaths of office for all precinct election officials, when two or more sets of officials are employed, shall be as required by law.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-253-290, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-290, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-290, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-300 Paper ballots—Count continuous—When duties completed.** In a paper ballot precinct, the ballot container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted. The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

(1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition;

(2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book;

(3) The records of the votes in each tally book are the same.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-253-300, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-300, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-300, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-310 Paper ballots—Unofficial results—Copies—Posting—Transmittal.** Before adjourning from the polling place, following a primary or an election in any precinct where votes are cast on paper ballots, the precinct election official shall enter the unofficial results in duplicate upon sample ballots or suitable forms furnished for that purpose by the county auditor or other election officer. One copy shall be posted conspicuously on the outside of the polling place and the other transmitted to the county auditor.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-310, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-310, filed 6/2/92, effective 7/3/92.]

**WAC 434-253-320 Rejection of ballots or parts of ballots—Questions on the legality of ballots.** Rules governing the rejection of all or part of a ballot, or the process for handling a question regarding the validity of a ballot in a precinct using paper ballots where the tabulation of votes is conducted at the polling place shall be the same as the rules applicable to the counting of ballots at a counting center.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-320, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-320, filed 6/2/92, effective 7/3/92.]

## Chapter 434-257 WAC ACCESSIBILITY OF POLLING PLACES

(Formerly chapter 434-57 WAC)

### WAC

434-257-010	Purpose.
434-257-020	Definitions.
434-257-030	Standards for accessible polling places.
434-257-040	Use of public buildings as polling places.
434-257-070	Report of precincts and polling places.
434-257-090	Accessible polling places—Exceptions.
434-257-100	Procedures for inaccessible polling places.
434-257-130	Voting instructions.
434-257-140	Contingency plans for disability access units.
434-257-150	Notice of accessibility.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-257-050	Assistance from persons with disabilities. [98-08-010, recodified as § 434-257-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-050, filed 3/27/86.] Repealed by 02-02-066, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.57.170.
434-257-080	Examination of inaccessible polling places. [98-08-010, recodified as § 434-257-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-080, filed 3/27/86.] Repealed by 02-02-066, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.57.170.
434-257-120	Accessible permanent voter registration facilities. [98-08-010, recodified as § 434-257-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-120, filed 3/27/86.] Repealed by 02-02-066, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.57.170.

**WAC 434-257-010 Purpose.** These regulations are adopted to implement the provisions of chapter 29A.16 RCW regarding the accessibility of polling places for all elections.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-257-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.57.170. 02-02-

066, § 434-257-010, filed 12/28/01, effective 1/28/02. 98-08-010, recodified as § 434-257-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-010, filed 3/27/86.]

**WAC 434-257-020 Definitions.** As used in these regulations:

(1) "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through buildings or facilities used for the purpose of voting.

(2) "Alternative polling place" means an accessible location which could be used as a polling place in the event that the existing site is inaccessible and which is reasonably convenient to assigned voters as determined by the county auditor.

(3) "County auditor" means the county auditor or county election official.

(4) "Election" means any primary, special or general election.

(5) "State of emergency" means any condition which, in the opinion of the county auditor and secretary of state, would interfere with the safe and efficient conduct of an election.

[Statutory Authority: RCW 29.57.170. 02-02-066, § 434-257-020, filed 12/28/01, effective 1/28/02. 98-08-010, recodified as § 434-257-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-020, filed 3/27/86.]

**WAC 434-257-030 Standards for accessible polling places.** The Americans with Disabilities Act Checklist for Polling Places shall be used when determining the accessibility of a polling place.

If the standards are not met, temporary or permanent modifications shall be made to make the polling place accessible. Alternative accommodations may be permitted under RCW 29A.16.020. A poll site is fully accessible if all responses in each category are "YES."

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-257-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-257-030, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.57.170. 02-02-066, § 434-257-030, filed 12/28/01, effective 1/28/02. 98-08-010, recodified as § 434-257-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-030, filed 3/27/86. Statutory Authority: Chapter 29.57 RCW as amended by 1985 c 205. 85-18-003 (Order 85-3), § 434-57-030, filed 8/22/85.]

**WAC 434-257-040 Use of public buildings as polling places.** A county auditor may request the legislative authority of a county, municipality or special district for the use of their facility as a polling place when, in the judgment of the county auditor, that facility would provide a location that would best satisfy the requirements of chapter 29A.16 RCW. The county auditor shall notify the secretary of state if authorization to use such a facility is not granted and no other accessible location is available.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-257-040, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-257-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-040, filed 3/27/86.]

**WAC 434-257-070 Report of precincts and polling places.** (1) No later than April 1 of each even-numbered year, each county auditor shall submit to the secretary of state, a report showing the number of precincts and assigned polling places within that county. This report shall specify those polling places which are inaccessible, and what efforts have been made to locate alternative polling places or to make the existing facilities temporarily accessible.

(2) If a county shows all polling places as accessible after two consecutive report periods, no further reports need be submitted unless the secretary of state specifically reinstates the requirement for that county. Notice of reinstatement must be in writing and delivered at least sixty days before the reporting date.

(3) The secretary of state shall review and keep on file the reports of polling places submitted by each county auditor.

[Statutory Authority: RCW 29.57.170. 02-02-066, § 434-257-070, filed 12/28/01, effective 1/28/02. 98-08-010, recodified as § 434-257-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-070, filed 3/27/86.]

**WAC 434-257-090 Accessible polling places—Exceptions.** An inaccessible polling place shall not be used in any election unless the following conditions have been met:

(1) The county auditor has made a reasonable effort to locate an alternative polling place and that measures to temporarily modify the existing polling place are not feasible, and

(2) The registered voters assigned to such an inaccessible polling place have been notified as required, or

(3) The secretary of state has determined that a state of emergency exists.

[Statutory Authority: RCW 29.57.170. 02-02-066, § 434-257-090, filed 12/28/01, effective 1/28/02. 98-08-010, recodified as § 434-257-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-090, filed 3/27/86.]

**WAC 434-257-100 Procedures for inaccessible polling places.** (1) No later than thirty days before an election, the county auditor shall mail a notice to each registered voter assigned to an inaccessible polling place which has been authorized for use under these rules and shall contain the following information:

(a) The polling place for that precinct is inaccessible, for the election or elections indicated in the notice, according to the accessibility standards established for voters. The extent and nature of inaccessibility shall be specified.

(b) No later than twenty days before the election or elections indicated in the notice, voters may request to be assigned to an alternative polling place as listed in the notice, or may request to vote by absentee ballot.

(c) An absentee ballot request form or instructions for requesting an absentee ballot for the specific election or elections indicated in the notice.

(2) Subsequent to the transmittal of a notice under (1) of this section and no later than thirty days before the next election, the county auditor shall also notify any person who registers to vote and is assigned to a precinct for which the polling place is inaccessible.

(3) The county auditor shall make the following accommodations in voting procedures necessary to allow the use of alternative polling places by voters:

(a) The county auditor shall assemble election materials for voters who request to vote at an alternative polling place. The following materials shall be separated according to the precinct in which the voters are registered and placed into an envelope which clearly identifies that precinct:

(i) A poll book or precinct list which contains the names of only those voters from that precinct assigned to the alternative polling place;

(ii) A ballot for each voter from the precinct in which that voter is registered;

(iii) An envelope for voted ballots which is clearly marked "Ballots for Precinct . . . . . from Alternative Polling Place . . . . .";

(iv) Instructions for the precinct election officers.

(b) The procedures for voting and ballot tabulation for all ballots cast by a voter at an alternative polling place shall be as follows:

(i) The voter shall be given a ballot from the precinct in which that voter is registered and contains all the issues and candidates for which that voter is legally qualified to vote. For lever machine precincts, the voter shall be provided with an appropriate paper ballot.

(ii) After the voter has cast his or her ballot, the ballot shall be placed in a separate ballot box or an envelope designated for ballots cast in an alternative polling place.

(iii) Following the close of the polls, ballots shall be transmitted in the designated envelopes to the county auditor's office. Within each county, all ballots cast at alternative polling places shall be canvassed and reported by legislative district separately from absentee or question ballots.

[Statutory Authority: RCW 29.57.170. 02-02-066, § 434-257-100, filed 12/28/01, effective 1/28/02. 98-08-010, recodified as § 434-257-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-100, filed 3/27/86.]

**WAC 434-257-130 Voting instructions.** Each county auditor shall conspicuously display voting instructions, printed in at least 16-point bold type, at each polling place on the day of the election.

[Statutory Authority: RCW 29.57.170. 02-02-066, § 434-257-130, filed 12/28/01, effective 1/28/02. 98-08-010, recodified as § 434-257-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-130, filed 3/27/86.]

**WAC 434-257-140 Contingency plans for disability access units.** For each polling place in which a disability access unit is available for use, county auditors must have a contingency plan to accommodate voters wishing to use the unit should it malfunction or be removed from service in accordance with WAC 434-253-110.

[Statutory Authority: RCW 29A.04.611. 06-14-048, § 434-257-140, filed 6/28/06, effective 7/29/06.]

**WAC 434-257-150 Notice of accessibility.** Each county auditor shall include a list of polling places, indicating those polling places which are accessible according to the standards for voters, in the notice of election published under RCW 29A.52.310 and 29A.52.350.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-257-150, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.57.170. 02-02-066, § 434-257-150, filed 12/28/01, effective 1/28/02. 98-08-010, recodified as § 434-257-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-150, filed 3/27/86.]

## Chapter 434-260 WAC

### ELECTION REVIEW PROCESS AND CERTIFICATION OF ELECTION ADMINISTRATORS

(Formerly chapter 434-60 WAC)

WAC	
434-260-010	Intent.
434-260-020	Definitions.
434-260-030	Scheduled reviews—Auditor request.
434-260-040	Election reviews—Secretary of state to designate.
434-260-050	Notice of special review.
434-260-060	Notification of review process.
434-260-080	Special review—Legislative district race.
434-260-090	Special review of congressional or statewide races.
434-260-100	Expense of reviews.
434-260-110	Election review checklist.
434-260-120	Adoption of election review checklist.
434-260-130	Preliminary review report of findings and recommendations.
434-260-140	Draft election review report.
434-260-145	Response to draft election review report.
434-260-150	Final election review report.
434-260-155	County review follow-up.
434-260-160	Special review recommendations.
434-260-170	Distribution of special review recommendations and response.
434-260-190	Processing of appeal.
434-260-200	Standards for evaluating appeals.

#### CERTIFICATION OF ELECTION ADMINISTRATORS

434-260-220	Certification of election administrators.
434-260-225	Certification of assistant election administrators.
434-260-235	Recertification of assistant election administrators as election administrators.
434-260-240	Mandatory orientation.
434-260-260	Open book written test.
434-260-300	Maintaining certification as an election administrator.
434-260-305	Maintaining certification as an assistant election administrator.
434-260-307	Lapse of certification of election administrator.
434-260-309	Lapse of certification of assistant election administrator.
434-260-310	Application for initial certification and maintenance of certification.
434-260-320	Training program for county canvassing board members.
434-260-330	Training program for election observers.
434-260-340	Training video tapes available.
434-260-350	Approval of training programs.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-260-070	Frequency of scheduled reviews. [98-08-010, recodified as § 434-260-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-180	Appeal from scheduled review report. [98-08-010, recodified as § 434-260-180, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-180, filed 8/30/93, effective 9/30/93.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-210	Intent. [98-08-010, recodified as § 434-260-210, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-215	Definitions. [98-08-010, recodified as § 434-260-215, filed 3/18/98, effective 3/18/98. Statutory Authority:

434-260-230	RCW 29.60.020, 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.-020. Certification credit system. [98-08-010, recodified as § 434-260-230, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-250	Experience as an election administrator, or as a deputy election administrator. [98-08-010, recodified as § 434-260-250, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-270	Participation in conferences and workshops. [98-08-010, recodified as § 434-260-270, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-280	Formal education. [98-08-010, recodified as § 434-260-280, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-290	Participation in other education activities. [98-08-010, recodified as § 434-260-290, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

**WAC 434-260-010 Intent.** It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews and procedures to be followed for the certification and training of election administrators and assistant election administrators, and the training of county canvassing board members, and election observers as required by chapter 29A.04 RCW.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-260-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-010, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-020 Definitions.** As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or statewide office;

(4) "Preliminary review report of findings and recommendations" means that draft report made by the election review staff to the county auditor and which contains any recommendations made by the review staff and a preliminary conclusion regarding the county's election procedures;

(5) "Draft election review report" means that report made by the election review staff to the county auditor and the designated members of the county canvassing board. The auditor and/or county canvassing board must respond to the

draft election review report in writing and may appeal the report to the election administration and certification board;

(6) "Final election review report" means that report made by the election review staff which contains a copy of the recommendations made by the review staff, the response to those recommendations made by the county auditor or the county canvassing board, and a conclusion written by the staff;

(7) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;

(8) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW 29A.04.580. Such a designee must be certified as required by chapter 29A.04 RCW.

(9) "Election administrator" means the person or persons appointed by the county auditor to election management positions as required by RCW 36.22.220 and the state director of elections, assistant directors of elections, certification and training program staff members, and any other secretary of state election division employees designated by the director of elections;

(10) "Assistant election administrator" means any person involved in the administration of elections at the state or county level who has been designated as an assistant election administrator by the state director of elections or the county auditor as applicable;

(11) "County canvassing board members" means those officers designated as such pursuant to the provision of chapter 29A.60 RCW;

(12) "Election observers" means those persons designated by the county political party central committee chair person to observe the counting of ballots and related elections procedures;

(13) "Election administration and certification board" means that board created pursuant to the provisions of RCW 29A.04.510;

(14) "Creditable training hours" means each creditable training hour contemplated in WAC 434-260-230 and shall consist of a minimum of fifty minutes of instructional activity programmed for the purpose of mastering information beneficial to the performance of the duties of administering elections.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-260-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-020, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-030 Scheduled reviews—Auditor request.** Not later than June 1, any county auditor may request that the secretary of state designate his or her county for an election review. The secretary of state shall, whenever practical, honor that request.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-030, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-040 Election reviews—Secretary of state to designate.** Not later than June 15 the secretary of state shall notify, in writing, the counties selected for an election review and the chairs of the state committees of any major political party. The notification shall include the date and time the review is scheduled to begin. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29A.04.570 (1)(b).

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-040, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-260-040, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-040, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-050 Notice of special review.** Notice of a special review shall be provided to the county auditor and the political party chairs, by telephone and by electronic facsimile transmission, not later than twenty-four hours after the determination has been made to conduct the special review.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-050, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-060 Notification of review process.** At least five days prior to an election review, or as soon as possible prior to a special review, the review staff shall notify the county auditor of the number of persons conducting the review, any policies and procedures of special interest, and of any needs incidental to their review. The county auditor will provide adequate working accommodations, and copies of any county election policies or procedures, at the time scheduled for the review. Review staff will make every effort to minimize any disruption to the normal work of the county during the review process.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-060, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-080 Special review—Legislative district race.** A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a mandatory recount is likely. Such a review may be as extensive as an election review or may, at the secretary of state's discretion, concentrate only on those aspects of the election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prior-

itizing the review process, the secretary shall take into consideration the following factors:

- (1) The date and results of the last election review held in each county;
- (2) Any request from a county auditor for a special review;
- (3) Any written complaints filed with the secretary pursuant to the provisions of RCW 29A.04.570 (1)(b);
- (4) Any written complaints, from any resident of the county regarding the specific election in question;
- (5) Any media stories or reports alleging election irregularities with respect to the election in question;
- (6) The date on which the determination is made that a special review is required.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-260-080, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-080, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-090 Special review of congressional or statewide races.** In conducting special reviews for congressional or statewide offices, the secretary of state may prioritize the review process, using the same criteria as is used in prioritizing special reviews in joint legislative districts.

[98-08-010, recodified as § 434-260-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-100 Expense of reviews.** The expenses of reviews, including review staff salaries and travel expenses, will not be charged to the county being reviewed. However reasonable and necessary office expenses incidental to the review process, such as copying charges, computer printouts, and telephones, will be provided by the county being reviewed.

[98-08-010, recodified as § 434-260-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-110 Election review checklist.** The secretary of state shall develop an election review checklist, which shall be the basis for any election review and which shall also serve, in whole or in part, as the basis for any special review. The checklist shall be provided to every county auditor and to the chairs of the state central committees of each major political party. The checklist shall be provided to any other person requesting it at actual reproduction cost.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-110, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-120 Adoption of election review checklist.** The election administration and certification board shall approve, by majority vote, the checklist to be used and additionally shall, in conjunction with the office of the secretary of state, adopt rules to cover those checklist activities not currently mandated by either statute or rule.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-120, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-120, filed

3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-130 Preliminary review report of findings and recommendations.** As soon as practicable, but in any event not later than sixty days following the certification of the election, the review staff shall issue a preliminary review report of findings and recommendations. The report shall be made to the county auditor.

The preliminary review report of findings and recommendations is exempt from public inspection and copying, as provided by RCW 42.17.310.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-130, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-140 Draft election review report.** As soon as practicable, but in any event not later than thirty days after the issuance of the preliminary report of findings and recommendations, the review staff shall issue a draft of the election review report to the county auditor and the designated members of the county canvassing board as provided in chapter 29A.60 RCW, and shall include, but not be limited to, the following:

- (1) A narrative description of recommendations made by the review staff;
- (2) Any other information the review staff deems pertinent;
- (3) A preliminary conclusion/evaluation of the county's election procedures.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-140, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-260-140, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-140, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-145 Response to draft election review report.** The county auditor and/or county canvassing board must respond, in writing, to the draft election review report, listing the steps that will be taken to correct any problems listed in the report. Such response shall be submitted to the review staff not later than ten days following the issuance of the draft election review report.

Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or canvassing board.

Any county auditor or other member of the county canvassing board may appeal the recommendations or the conclusion of any draft election review report to the election administration and certification board. Any appeal must be in writing, must detail specific exceptions made to the draft election review report, and must be filed with the board not later than thirty days following the issuance of the report.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-145, filed 5/19/99, effective 6/19/99.]

(2007 Ed.)

**WAC 434-260-150 Final election review report.** As soon as practicable, but in any event not later than forty-five days after the issuance of the draft election review report, the review staff shall issue a final election review report. The final election review report shall be available for public inspection and copying. The report shall be made to the county canvassing board, and shall include, but not be limited to, the following:

- (1) A narrative description of any general observations by the review staff;
- (2) A narrative description of any recommendations made by the review staff;
- (3) A response by the county auditor or the county canvassing board;
- (4) A conclusion by the review staff. A copy of the final review report shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-150, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-150, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-155 County review follow-up.** Following the final review report, the secretary of state shall visit the county before the next state primary or general election to verify that the county has taken the steps listed in the response to correct the problems noted in the report. If steps have not been taken, the secretary of state shall send a letter to the county canvassing board listing the areas needing correction. The letter shall be made a part of the county's review report.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-155, filed 8/19/05, effective 9/19/05.]

**WAC 434-260-160 Special review recommendations.** After conducting a special review, the review staff shall make any recommendations to the county auditor and the county canvassing board that they deem necessary to minimize the possibilities of any administrative errors being made either prior to or during the conduct of a mandatory recount. Such recommendations shall be made orally to the county auditor not later than twenty-four hours in advance of the conduct of a mandatory recount. A draft report of findings and recommendations shall be issued to the county auditor and the other members of the canvassing board not later than ten working days after the completion of the mandatory recount.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-160, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-170 Distribution of special review recommendations and response.** The county auditor and the county canvassing board may respond in writing to any recommendations made by the review staff. Such response shall not be made later than ten working days after the completion of the mandatory recount. The review staff shall, after the county auditor and county canvassing board have had an opportunity to respond, provide a copy of its recommendations and any response to any person requesting them at

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actual reproduction costs. Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or county canvassing board. In the event the special review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying. In the event that the review staff does not modify or amend the draft recommendations within sixteen working days from the completion of the mandatory recount, the draft recommendations shall be considered to be final recommendations and shall be made available for inspection and copying. A copy of the special review recommendations and any response shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29A.04.611. 06-14-050, § 434-260-170, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-170, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-190 Processing of appeal.** Within thirty days of an appeal being filed, the election administration and certification board shall meet to consider the appeal. The board may request that the county auditor, the review staff, or any other persons they deem appropriate, appear before them and assist them in their consideration of the appeal. The board shall have access to all written material prepared by the review staff, including a copy of the preliminary election review report and draft review report. The board, by majority vote, may accept the draft report, may modify all or part of the draft report, or may reject the report in total. In the event the board rejects the report, they shall direct that a new review be conducted and shall detail, in writing, the reasons for rejecting the original report. The board shall issue a written summary of its findings following any consideration of any appeal. The summary shall include the minutes of any meeting of the board to consider the appeal, a summary of the testimony of any witnesses appearing before them, and the reasons for any decision made.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-190, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-190, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.]

**WAC 434-260-200 Standards for evaluating appeals.** In determining whether or not an appeal filed pursuant to RCW 29A.04.570 and WAC 434-260-160 should be upheld and the final scheduled review report either modified or set aside, the election administration and certification board shall consider the following factors:

(1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;

(2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;

(3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the security or integrity of the ballots or the ballot counting process;

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(4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-260-200, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-200, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-200, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.]

## CERTIFICATION OF ELECTION ADMINISTRATORS

**WAC 434-260-220 Certification of election administrators.** Election administrators shall become certified upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years of service during the three-year period immediately prior to the request for initial certification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops involving elections related subjects or subjects approved by the election administration and certification board and sponsored by:

(a) Washington Association of County Auditors;

(b) Secretary of state;

(c) The Elections Center;

(d) Visiting other county election departments for training and/or orientation purposes (maximum four hours);

(e) The Federal Election Commission;

(f) Other national associations related to elections or government administration, approved by the Election Administration and Certification Board; or

(g) Other conferences or courses approved by the Election Administration and Certification Board.

Such training shall be received not more than five years prior to the date of a request for initial certification and shall include at least thirty hours of election-specific training.

(5) A high school diploma or its equivalent.

[Statutory Authority: RCW 29A.04.611. 06-18-103, § 434-260-220, filed 9/6/06, effective 10/7/06. Statutory Authority: RCW 29.60.020. 01-11-111, § 434-260-220, filed 5/21/01, effective 6/21/01; 99-12-004, § 434-260-220, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-220, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.]

**WAC 434-260-225 Certification of assistant election administrators.** Assistant election administrators shall become certified upon completion of the following:

(1) The secretary of state's mandatory orientation course;

(2) One year continuous service in election administration immediately prior to the date of a request for initial certification;

(3) Passing the open book test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be received within five years prior to the date of a request for certification and shall include at least fifteen hours of election-specific training;

## (5) A high school diploma or equivalent.

[Statutory Authority: RCW 29.60.020, 01-11-111, § 434-260-225, filed 5/21/01, effective 6/21/01; 99-12-004, § 434-260-225, filed 5/19/99, effective 6/19/99.]

**WAC 434-260-235 Recertification of assistant election administrators as election administrators.** Any person who is certified as an assistant election administrator may become certified as an election administrator upon completion of the following:

(1) Two years service in an election management position, as defined by the county auditor or the state director of elections;

(2) Minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4).

[Statutory Authority: RCW 29.60.020, 99-12-004, § 434-260-235, filed 5/19/99, effective 6/19/99.]

**WAC 434-260-240 Mandatory orientation.** (1) All election administrators and assistant election administrators shall, within eighteen months of undertaking those responsibilities, attend a mandatory orientation workshop sponsored by the secretary of state to be eligible for certification. Mandatory orientation workshops will be offered for new election administrators and deputy election administrators annually.

(2) Mandatory orientation will consist of twelve hours of training in election-related subjects.

[Statutory Authority: RCW 29.60.020, 99-12-004, § 434-260-240, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-240, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.]

**WAC 434-260-260 Open book written test.** The certification and training program will prepare an open book written test on Title 29A RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws to be given annually to candidates for certification as election administrators or assistant election administrators.

[Statutory Authority: RCW 29A.04.610, 04-15-089, § 434-260-260, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020, 99-12-004, § 434-260-260, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-260, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, 94-07-018, § 434-60-260, filed 3/8/94, effective 4/8/94.]

**WAC 434-260-300 Maintaining certification as an election administrator.** After attaining initial certification the election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

(1) Continuous service as an election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of eighteen hours of continuing education, at least six hours of which shall be on election-specific training. This training may be received at any election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and

certification board. A maximum of six hours, of the eighteen required, may be derived from a surplus of hours earned in the previous year.

[Statutory Authority: RCW 29A.04.630, 05-06-036, § 434-260-300, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.60.020, 01-11-111, § 434-260-300, filed 5/21/01, effective 6/21/01; 99-12-004, § 434-260-300, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-300, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.]

**WAC 434-260-305 Maintaining certification as an assistant election administrator.** After attaining initial certification the assistant election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of participation in an annual minimum of six hours of continuing education, at least two hours of which shall be on election-specific training. This training may be received at an election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in workshops and conferences, assistant election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board.

[Statutory Authority: RCW 29.60.020, 01-11-111, § 434-260-305, filed 5/21/01, effective 6/21/01; 99-12-004, § 434-260-305, filed 5/19/99, effective 6/19/99.]

**WAC 434-260-307 Lapse of certification of election administrator.** Certification as an election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification shall occur upon the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years continuous service as an election administrator immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than twenty hours of training used for prior certification and maintenance.

An election administrator shall be allowed one recertification in any five-year period.

[Statutory Authority: RCW 29.60.020, 01-11-111, § 434-260-307, filed 5/21/01, effective 6/21/01.]

**WAC 434-260-309 Lapse of certification of assistant election administrator.** Certification as an assistant election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification may occur upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Completion of one year continuous service in election administration immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than ten hours of training used for prior certification and maintenance.

An assistant election administrator shall be allowed one recertification in any five-year period.

[Statutory Authority: RCW 29.60.020. 01-11-111, § 434-260-309, filed 5/21/01, effective 6/21/01.]

**WAC 434-260-310 Application for initial certification and maintenance of certification.** The secretary of state shall make available certification application and maintenance forms to the county auditors. Applications to maintain certification must be submitted to the secretary of state by the county auditor by January 1 each year.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-260-310, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-260-310, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-310, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-310, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.]

**WAC 434-260-320 Training program for county canvassing board members.** The secretary of state shall prepare a training program for county canvassing board members. The training shall be made available on an annual basis.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-320, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-320, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.]

**WAC 434-260-330 Training program for election observers.** The secretary of state elections division shall prepare a training program for officially designated political party election observers. The training shall be made available upon receipt of a request, in writing, from the chair of the state central committee of any major political party. The training offered by this section does not replace the mandatory training for political party observers required by RCW 29A.12.120.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-260-330, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-330, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-330, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.]

**WAC 434-260-340 Training video tapes available.** The secretary of state shall make copies of any available training videos to any person eligible for certification. Persons requesting videos may request full or partial certification credit from the administration and certification board.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-340, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-340, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-340, filed 3/8/94, effective 4/8/94.]

### WAC 434-260-350 Approval of training programs.

All training programs referenced in these rules may be subject to review by the election administration and certification board. Such review shall be only for the purpose of determining whether the training satisfies requirements for certification.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-350, filed 5/19/99, effective 6/19/99. 98-08-010, recodified as § 434-260-350, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.]

## Chapter 434-261 WAC

### COUNTING CENTER PROCEDURES

(Formerly chapter 434-61 WAC)

#### WAC

434-261-005	Definitions.
434-261-007	Broken or missing seals.
434-261-010	Counting center location—Direction of proceedings.
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434-261-030	Receipt of ballots at intermediate collection station.
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434-261-070	Manual inspection of ballots.
434-261-075	Manual inspection of ballot—Acceptability of marks.
434-261-100	Ballot duplication procedures.
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434-261-110	Election results anomalies.
434-261-120	Referral of questionable ballots to canvassing board.
434-261-130	Opening ballot container.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

##### 434-261-080

Ballot enhancement—Optical scan systems. [Statutory Authority: RCW 29.04.080 and 29.04.210. 99-08-089, § 434-261-080, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-080, filed 10/13/97, effective 11/13/97.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

Ballot enhancement—Punch card systems. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-261-085, filed 3/12/02, effective 4/12/02.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05.

##### 434-261-090

Ballot duplication [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-090, filed 10/13/97, effective 11/13/97.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

**WAC 434-261-005 Definitions.** (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot. Inspection is performed on an absentee ballot as part of the initial processing, and on a poll ballot after breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of making a true copy of valid votes from ballots that may not be properly counted by the vote tallying system. Ballots may be duplicated on blank ballots or by making changes on an electronic image of the ballot. The original ballot may not be altered in any way;

(3) "Readable ballot" is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title;

(4) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks, and questions of vote intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

(5) "Valid signature" is the signature of a registered voter eligible to vote in the election as verified against the voter registration files. On an absentee ballot envelope, a mark with two witnesses is a valid signature.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-261-005, filed 11/15/06, effective 12/16/06; 06-11-042, § 434-261-005, filed 5/10/06, effective 6/10/06; 05-17-145, § 434-261-005, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-261-005, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080 and 29.04.210. 99-08-089, § 434-261-005, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-005, filed 10/13/97, effective 11/13/97.]

**WAC 434-261-007 Broken or missing seals.** If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. 06-14-050, § 434-261-007, filed 6/28/06, effective 7/29/06.]

**WAC 434-261-010 Counting center location—Direction of proceedings.** In counties using voting devices and vote tallying systems where the ballots are to be processed and/or tabulated at a location other than the precinct, the county auditor shall designate a location to serve as the counting center. If that location is other than the courthouse or county election office, the auditor shall include the location of the counting center in the published notice of elections. The county auditor shall be responsible for all counting center functions. Within the counting center, no person except those authorized by the county auditor may touch any ballot or ballot container, or operate a vote tallying system. The auditor shall identify either by roster or identification tag, or both, those persons so authorized. The vote tallying process shall be open to the public to the extent that public observation does not interfere with the proceedings or jeopardize the security of the ballots. The auditor shall establish local administrative rules pertaining to public observers including the media and how they may be accommodated and the necessary limitations thereto.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-010, filed 5/4/92, effective 6/4/92.]

**WAC 434-261-020 Counting center—Political party observers.** Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political

parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW 29A.12.120.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained as provided in subsection (2) of this section.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-261-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-020, filed 5/4/92, effective 6/4/92.]

**WAC 434-261-030 Receipt of ballots at intermediate collection station.** If an intermediate collection station is used, the collection station staff shall maintain a ballot transfer container receipt log on which shall be recorded the poll site name or number, the date and time of receipt, the seal number of each container, and any other information the auditor deems appropriate. When the last transfer container has been received and logged, or when so directed by the county auditor, the containers shall be transferred to the counting center in an enclosed vehicle accompanied by at least two employees of the county auditor's office or two representatives of different major political parties. The transfer container log sheets shall accompany the containers.

Officials used for this purpose who are not employees of the county auditor's office, political party representatives, or affiliated with a political party may meet the requirements of this rule by declaring in writing nonpolitical party affiliation. These declarations shall be retained by the auditor along with the transfer container log sheets for sixty days after the election.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-261-030, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-030, filed 5/4/92, effective 6/4/92.]

**WAC 434-261-040 Receipt of ballots at the counting center.** Immediately upon the receipt of voted ballots in transfer containers from the polling places or collection stations, the seal or lock on each ballot container shall be exam-

ined to ensure that it is intact. The precinct name or number, time of receipt, and seal number of each container shall be recorded on a transfer case receipt log, and the log shall be initialled by the persons receiving them.

Upon the breaking of the seal and the opening of the container, the seal number shall be compared with the transmittal sheet accompanying the container. If no discrepancy exists, a notation shall be made on the ballot receipt log and the ballots shall be forwarded to the next station in the counting center process.

If no seal exists, or if a discrepancy is noted between the information recorded on the transmittal sheet and the seal, the county auditor shall immediately be notified. The nature of the discrepancy shall be entered on the receipt log, the container set aside, and the ballots contained therein not tallied until the discrepancy is resolved. The log shall list the precinct, the nature of the discrepancy, and the corrective action taken. If the county auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be set aside and referred to the canvassing board for their consideration as provided by law or administrative rule (see chapter 434-262 WAC).

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-040, filed 5/4/92, effective 6/4/92.]

**WAC 434-261-045 Secure storage.** Received ballots and ballot images must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. Secure storage must employ the use of numbered seals and logs, or other security measures that will detect any inappropriate access to the secured materials. Ballots and ballot images may only be accessed in accordance with RCW 29A.60.110.

[Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-261-045, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-261-045, filed 12/28/05, effective 1/28/06.]

**WAC 434-261-050 Unsigned oath or mismatched signatures.** (1) If a voter neglects to sign the oath on an absentee or provisional ballot envelope, signs the oath with a mark and fails to have two witnesses attest to the signature, or signs the ballot envelope but the signature on the envelope does not match the signature on the voter registration record, the auditor shall notify the voter by first class mail of the correct procedures for curing the signature. If the ballot is received during the last three business days before the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded by the last three business days before the final meeting of the canvassing board, the auditor must attempt to notify the voter by telephone using information in the voter registration record.

(2) If the voter neglects to sign the oath on an absentee or provisional ballot envelope, or signs the oath with a mark and fails to have two witnesses attest to the signature, the voter must either:

(a) Appear in person and sign the affidavit no later than the day before certification of the primary or election; or

(b) Sign a copy of the affidavit provided by the auditor, or mark the affidavit in front of two witnesses, and return it to the auditor no later than the day before certification of the primary or election.

(3) If the signature on the oath of an absentee or provisional ballot envelope does not match the signature on the voter registration record, the voter must either:

(a) Appear in person and sign a new registration form no later than the day before certification of the primary or election. The updated signature provided on the new registration form becomes the signature on the voter registration record for the current election and future elections; or

(b) Sign a copy of the affidavit provided by the auditor, and provide a photocopy of a valid government or tribal identification that includes the voter's current signature. The signature on the affidavit must match the signature on the identification, and both of those signatures must match the signature on the ballot envelope. The voter must return the signed affidavit and identification to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections; or

(c) Sign a copy of the affidavit provided by the auditor in front of two witnesses who attest to the signature. The signature on the affidavit must match the signature on the ballot envelope. The voter must return the signed affidavit to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections.

(4) If the signature on an absentee or provisional ballot envelope does not match the signature on the registration record because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form. If the signature on an absentee or provisional ballot envelope does not match the signature on the registration record because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(5) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(6) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-261-050, filed 11/15/06, effective 12/16/06; 06-14-050, § 434-261-050, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-261-050, filed 8/19/05, effective 9/19/05.]

**WAC 434-261-060 Vote tallying system—A manual count of random precincts.** The political party observer supervisors may, upon mutual agreement, select up to three precincts at random after receipt of the ballots at the counting

center and prior to the ballots being tabulated. They may then request that a manual count be made of the number of ballots and the votes cast for any one office or issue on the ballots.

The party observer supervisors may select the precinct or precincts to be manually tabulated at the receiving station or may identify the precincts in advance and request that the auditor segregate them at the time of receipt.

The auditor or designee shall conduct the manual count of the ballots using the method for counting paper ballots described by law or rules, or may count them utilizing any other method acceptable to the party observer supervisors. On completion, the manual tally results shall be written on a sheet signed by the auditor or designee and the party observer supervisors.

When the manual tally results sheet is signed by all parties, the ballots for that precinct will be reinserted into the counting center process. The results for that precinct or precincts shall be printed at the time the ballots are tabulated, and the returns then compared to the manual tally. If a discrepancy exists, it shall be noted on the result sheet and given to the auditor for resolution.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-060, filed 5/4/92, effective 6/4/92.]

#### **WAC 434-261-070 Manual inspection of ballots.**

(1) Upon receiving absentee ballots and upon breaking the seals and opening the ballot containers from the precincts, all voting positions on voted ballots shall be manually inspected on both sides of the ballot to determine whether the ballot will be readable by the vote tabulating system. This manual inspection is a required part of processing ballots.

(2) The inspection of ballots tabulated at the poll site is not required provided that the poll site ballot programming provisions of RCW 29A.44.340 are in effect.

(3) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or marks that differ from those specified in the voting instructions, but the marks clearly form a discernible and consistent pattern on the ballot to the extent that the voter's intent can be clearly determined, the county auditor may either:

(a) Refer the ballots to the county canvassing board; or

(b) Duplicate the ballots if authorized by the county canvassing board.

If the voter's intent is not clear, the ballot must be referred to the county canvassing board.

[Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-261-070, filed 5/10/06, effective 6/10/06; 05-17-145, § 434-261-070, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-261-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-261-070, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-070, filed 10/13/97, effective 11/13/97.]

#### **WAC 434-261-075 Manual inspection of ballot—Acceptability of marks.**

(1) If the voter returns voting responses by mail on any form other than the ballot sent, the votes thereon shall be acceptable and tallied provided that:

(a) Only votes for offices or measures for which the voter is eligible are counted.

(b) The candidate or measure response position for which the voter is voting can be clearly identified.

(c) The ballot issued is not returned, or if returned, contains no marks indicating an attempt to vote it.

(d) A valid signature on an absentee oath is on file with the county auditor.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment.

(2) Corrected absentee ballots shall be counted in the following manner:

(a) If a voter follows the instructions for correcting a vote, either the written instructions or other instructions given to the voter by the county auditor, the correction shall be made by duplicating the ballot and then tabulating the duplicated ballot.

(b) If a voter appears to have corrected the ballot in a manner other than as instructed, the vote for that candidate or issue shall not be tabulated unless the voter provides written instructions directing how the vote should be counted or has clearly attempted to erase a mark.

(3) If a voter has indicated a write-in vote on the ballot which duplicates the name of a candidate who already appears on the ballot for the same office, the ballot shall be duplicated to count one vote for the candidate indicated. Such a vote shall be counted pursuant to RCW 29A.60.021.

(4) If a ballot contains marks that differ from those specified in the voting instructions, those marks shall not be counted as valid votes unless there is a discernable and consistent pattern, to the extent that the voter's intent can clearly be determined. If there is such a pattern, the ballot shall be duplicated to reflect the voter's intent.

[Statutory Authority: RCW 29A.04.611. 06-14-047, § 434-261-075, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-261-075, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-261-075, filed 3/12/02, effective 4/12/02.]

#### **WAC 434-261-100 Ballot duplication procedures.**

Written procedures shall be established detailing the situations in which ballots may be duplicated. These procedures shall be included as a part of the county canvassing board manual.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-261-100, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-100, filed 10/13/97, effective 11/13/97.]

**WAC 434-261-102 Resolving ballots on digital scan vote tallying systems.** In counties tabulating ballots on a digital scan vote tallying system, two staff designated by the auditor's office must resolve ballots identified as requiring resolution. A log of the resolutions must be printed and signed by the two staff.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-261-102, filed 11/15/06, effective 12/16/06; 06-11-042, § 434-261-102, filed 5/10/06, effective 6/10/06.]

**WAC 434-261-105 Tabulation of ballots to be continuous—Exception.** The tabulation of ballots on the day of a primary or election at a polling place or counting center shall proceed without interruption or adjournment until all the bal-

lots cast at the polls at that primary or election have been tabulated except as follows:

(1) Ballots that have been found defective and not capable of being processed by the automated system may, at the discretion of the county auditor, be held over until the working day following the election or primary, duplicated, and the duplicates then tallied no later than the day before the certification of the primary or election;

(2) If the system should become inoperative, the tally may be interrupted until the system is repaired, and if necessary, resumed the day following the election using the repaired system or an alternative method if necessary. If the election or primary includes offices or issues which the secretary of state is required by law to canvass, the auditor shall notify the secretary of state at the time of interruption, its cause and best estimate for resumption, along with the status of the tally, at the first practical opportunity. The public shall be informed of the situation as soon as possible after the interruption if it is evident the tally will not be resumed the same day.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-261-105, filed 8/19/05, effective 9/19/05.]

**WAC 434-261-107 Daily canvassing.** Pursuant to RCW 29A.60.160, if a county auditor is in possession of more than twenty-five ballots that have yet to be canvassed, the county auditor in a county with a population of seventy-five thousand people or more must process and canvass the absentee ballots on a daily basis, and the county auditor in a county with a population of less than seventy-five thousand people must process and canvass the absentee ballots at least every third day. Legal holidays, as defined in RCW 1.16.050, and Sundays are exempt. The population of the county is based on the last federal census. For purposes of daily processing, the county auditor must produce a report of cumulative results. If the mail is not delivered to the county auditor's office each day that the county auditor must process ballots, the county auditor must make reasonable efforts to retrieve the mail from the post office.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-261-107, filed 8/19/05, effective 9/19/05.]

**WAC 434-261-110 Election results anomalies.** Precinct results, showing overvotes and undervotes, shall be inspected by the county canvassing board, or their designees, for anomalies that may indicate problems with the hardware or programming used to tabulate the votes. Anomalies may include, but are not limited to, an abnormal number of overvotes, undervotes, vote distribution, and voter turnout in any precinct, race, or jurisdiction. This inspection shall be completed within two days of the election.

Additionally, these results shall be used in the reconciliation process required in WAC 434-253-165 and RCW 29A.60.235.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-261-110, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-261-110, filed 2/25/05, effective 3/28/05.]

**WAC 434-261-120 Referral of questionable ballots to canvassing board.** Whenever a precinct election officer or counting center personnel has a question about the validity of

a ballot or the votes contained on the ballot that they are unable to resolve, the ballot shall be placed in a special container marked "for canvassing board." The facts giving rise to the question of validity must be noted.

If the question arises at a polling place, the precinct inspector shall note the ballot on the ballot accountability form in a manner similar to recording other irregularly voted ballots and shall transfer it to the elections office in accordance with WAC 434-253-170.

If the question arises in the counting center, the counting center supervisor shall record the ballot on an irregularly voted ballot log sheet.

Ballots being held for determination of validity or voter's intent shall be provided the same security as regular voted ballots and shall be kept in a secure area when not being processed.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-261-120, filed 11/15/06, effective 12/16/06; 05-17-145, § 434-261-120, filed 8/19/05, effective 9/19/05.]

**WAC 434-261-130 Opening ballot container.** Whenever it is determined there is a need to open all containers to conduct a mandatory or requested recount, or when such action is directed by court order, the containers shall be opened and the security of the ballots verified only by those persons designated to do so, in writing, by the canvassing board.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-261-130, filed 8/19/05, effective 9/19/05.]

## Chapter 434-262 WAC CANVASSING AND CERTIFICATION

(Formerly chapter 434-62 WAC)

### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-262-005 Authority and purpose. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-005, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-005, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-035 Canvassing board—Absentee ballot signature verification. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-035, filed 10/13/97, effective 11/13/97.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-045 Canvassing mail ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-045, filed 10/13/97, effective 11/13/97.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-150 Rejection of ballots or parts of ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-029, § 434-262-150, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-150, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-150, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.-611.
- 434-262-170 Referral of ballots to canvassing board. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-170, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.-611.
- 434-262-180 Tabulation of ballots to be continuous—Exception. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-180, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.-611.
- 434-262-190 Canvassing board—Opening ballot container. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-190, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-190, filed 6/2/92, effective 7/3/92.] Repealed by 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.-611.

**WAC 434-262-010 Definitions.** As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing ballots, of ruling on the validity of questioned or challenged ballots, of the verifying all unofficial returns as listed in the auditor's abstract of votes, and the producing of the official county canvass report; it shall be composed of the county auditor, prosecuting attorney,

and chairman of the board of the county legislative authority, or their designated representatives.

(3) "Auditor's abstract of votes" is that report prepared by the county auditor which lists the number of registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, absentee ballot totals, legislative and congressional district subtotals, if any, and county-wide totals. The auditor's abstract of votes must also include the reconciliation report required by RCW 29A.60.-235(1). Vote totals in the auditor's abstract of votes shall be unofficial until verified and certified by the county canvassing board.

(4) "County canvass report" is the auditor's abstract of votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW 29A.60.200, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.

(5) "Certified copy of the county canvass report" is that report transmitted by the county auditor to the secretary of state which contains registered voters and votes cast by precinct, or combination of precincts if applicable, votes cast for and against state measures, and votes cast for candidates for federal and statewide offices and for any office whose jurisdiction encompasses more than one county, absentee ballot totals for those measures and candidates, subtotals if applicable, and county-wide totals. It shall also include a certificate, bearing original signatures and an original county seal, identical to that included in the official county canvass report, and any other material which may be pertinent to the canvass of the election.

[Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-010, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-010, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. 03-15-054, § 434-262-010, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.]

**WAC 434-262-013 Crediting voters.** Voters shall be credited for voting after each special, primary and general election.

(1) A voter may not be credited for voting if the ballot was voted after election day, was received after certification of the election, or will otherwise not be counted.

(2) The crediting of absentee or mail ballot voters must be completed prior to the certification of the election. The crediting of poll voters must be completed within thirty days of the election, and prior to the certification of the election when possible.

(3) The reconciliation of voters credited with ballots counted shall be completed within thirty days following certification of a primary or election. The certification must include, but is not limited to, information indicating that the number of ballots counted equals the number of voters credited. If these numbers do not match, the county auditor must take steps to reconcile the numbers and any discrepancies. If the county auditor cannot reconcile the numbers, documentation of steps taken to reconcile and any other applicable information must be included with the official reconciliation.

(4) Changes to the list of registered voters, such as new registrations, transfers, or cancellations, may not be made following a general election until the crediting reconciliation is complete. Correction of errors is allowed.

(5) The county auditor shall make an electronic or paper copy of the list of registered voters immediately following this reconciliation. Using this data, the county auditor shall also produce validation statistics for each minor taxing district in the county. Once the list is copied and the validation statistics are complete, changes to the data base may be made.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-262-013, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-013, filed 8/19/05, effective 9/19/05.]

**WAC 434-262-015 Canvassing board—Delegation of authority.** The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per chapter 29A.60 RCW, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters 29A.40 and 29A.60 RCW, and the rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board. In no instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of rejecting ballots. When considering the validity or rejection of ballots, the canvassing board may review the ballots individually, in batches, or as part of a report of ballots presented to the board. In the event the canvassing board determines that the signature on an absentee or provisional ballot was not made by the voter to whom the ballot was issued or that a voter attempted to vote more than once, the board must direct the county auditor to refer the ballot and any relevant material to the county prosecuting attorney.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-015, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-015, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-015, filed 10/13/97, effective 11/13/97.]

**WAC 434-262-017 Calculating validation figures and results for bonds and levies.** (1) Before determining a jurisdiction's validation figures, the number of votes cast in the jurisdiction in the last general election must be determined. For levies, the state Constitution states, "...the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election..." For example:

10,000 votes cast in the jurisdiction in the last general election x 40% = 4,000 votes x 3/5 = 2,400 votes

These numbers should be calculated based on the number of voters credited for voting in each jurisdiction, before adding, deleting, or transferring voters following the general election.

[Title 434 WAC—p. 118]

(2) When determining the results of a specific bond or levy, county auditors must not include overvotes or undervotes in the calculation. Rounding must not be used to reach sixty percent "yes" votes for a bond or levy. For example:

2,980 "yes" votes ÷ 5,000 total votes cast = 59.6%, so the levy would not pass.

[Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-017, filed 6/28/06, effective 7/29/06.]

#### **WAC 434-262-020 Preliminary abstract of votes.**

Following the election and prior to the official canvass, the county auditor shall prepare a preliminary abstract of votes, listing the number of registered voters and votes cast. Provisional ballot results must be combined with precinct results. The preliminary abstract of votes must list separately for each precinct:

(1) Votes cast by absentee or mail ballot and votes cast at the polls;

(2) Votes cast for and against measures;

(3) Votes cast for candidates; and

(4) Overvotes and undervotes. Pursuant to RCW 29A.60.230, the county auditor may aggregate results or take other necessary steps to maintain the secrecy of ballots. The county auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

[Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-020, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. 03-15-054, § 434-262-020, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.210, 29.36.150. 02-07-028, § 434-262-020, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.]

**WAC 434-262-025 Canvassing board—Notice of open public meeting.** All activities of the canvassing board shall be open to the public, although the board may limit the number of persons observing any aspect of the process whenever, in the judgment of the board, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board. Such notice or notices shall be in substantially the following form:

#### OPEN PUBLIC MEETING NOTICE

The canvassing board of (Name of County) County, pursuant to chapter 29A.60 RCW, will hold public meetings at (Time of Meetings), (Dates), at (Locations), to (Purpose of Meetings). These meetings of the canvassing board are open, public meetings, and shall be continued until the activity for which the meetings are held has been completed.

A record of the proceedings of the county canvassing board shall be made and maintained in the county auditor's office, and shall be available for public inspection and copying. The record shall be retained for the same time period required by law for the retention of absentee ballots.

[Statutory Authority: RCW 29A.04.611, 05-17-145, § 434-262-025, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, 04-15-089, § 434-262-025, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, § 434-262-025, filed 10/13/97, effective 11/13/97.]

**WAC 434-262-030 Auditor's abstract of votes.** No later than the tenth day following any primary or special election and the twenty-first day following any general election the county canvassing board shall meet and canvass all ballots. Upon completion of this canvass, the board shall direct the county auditor to prepare the auditor's abstract of votes as defined by WAC 434-262-010. The oaths and the reconciliation report must be substantially similar to the following:

### Oath of County Auditor or Supervisor of Elections

STATE OF WASHINGTON )  
                            ) ss.  
COUNTY OF \_\_\_\_\_ )

I solemnly swear that the returns of the (insert election) held on (insert date), in \_\_\_\_\_ County, State of Washington, have been in no way altered and that they are the same as when they were deposited in my office.

\_\_\_\_\_  
County Auditor or Supervisor of Elections

*Subscribed and sworn to me this \_\_\_ day of (insert month, year).*

\_\_\_\_\_  
Chairman, County Legislative Authority

### Certification Reconciliation Report \_\_\_\_\_ Election (insert date)

County \_\_\_\_\_  
Date of Completion \_\_\_\_\_

NOTE: Address confidentiality program participants must be included with service voters.

#### Registration

Total number of active registered voters in all precincts \_\_\_\_\_

Total number of inactive registered voters in all precincts \_\_\_\_\_

#### **Total registered voters in all precincts** \_\_\_\_\_

Total absentee ballots counted (includes absentee, VBM, federal write-in, overseas, out of state, and service ballots) \_\_\_\_\_

Total poll site ballots counted (includes poll site and provisional ballots) \_\_\_\_\_

#### **Total Ballots counted** \_\_\_\_\_

#### Absentee and VBM Ballots

The total number of absentee/VBM ballots originally issued \_\_\_\_\_

The total number of absentee/VBM ballots received \_\_\_\_\_

The total number of absentee/VBM ballots rejected \_\_\_\_\_

The total number of absentee/VBM ballots counted \_\_\_\_\_

Federal Write-In Ballots

The total number of federal write-in ballots counted \_\_\_\_\_

Out-of-State, Overseas, and Service Voters

The total number of out-of-state, overseas, and service voters' ballots issued \_\_\_\_\_

The total number of out-of-state, overseas, and service voters' ballots received \_\_\_\_\_

The total number of out-of-state, overseas, and service voters' ballots rejected \_\_\_\_\_

The total number of out-of-state, overseas, and service voters' ballots counted \_\_\_\_\_

Provisional Ballots

The total number of provisional ballots issued (by this county) \_\_\_\_\_

The total number of provisional ballots rejected (includes sending to other counties) \_\_\_\_\_

The total number of provisional ballots received from other counties \_\_\_\_\_

The total number of provisional ballots counted \_\_\_\_\_

**Certification of the Canvassing Board**

STATE OF WASHINGTON                         )  
  )  
  ss.  
COUNTY OF \_\_\_\_\_)

The undersigned officers designated by law as constituting the Canvassing Board for the County of \_\_\_\_\_, State of Washington, hereby certify that this is a full, true and correct copy of the Abstract of Votes including the cumulative results, precinct results, and a reconciliation report of votes cast at the (insert election) held on (insert date), in \_\_\_\_\_ County, State of Washington, and that the following are the true and reconciled numbers of voters and votes counted.

*Witness our hands and official seal this \_\_\_\_\_ day of (insert month, year).*

\_\_\_\_\_  
County Auditor or Supervisor of Elections

\_\_\_\_\_  
Chairman, County Legislative Authority

\_\_\_\_\_  
County Prosecuting Attorney

[Statutory Authority: RCW 29A.04.611, 06-14-046, § 434-262-030, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, 04-15-089, § 434-262-030, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-262-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.]

**WAC 434-262-031 Rejection of ballots or parts of ballots.** Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(1) Where two ballots are found folded together, or where a voter has voted more than one ballot;

(2) Where two voted ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures under the affidavit, both ballots must be counted;

(3) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent;

(4) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(5) Where the voter has voted for more candidates for an office than are permissible;

(6) Where the voter has incorrectly attempted to correct a vote on the ballot contrary to the instructions provided pursuant to WAC 434-250-040 unless the voter provides written instructions directing how the vote should be counted;

(7) In the case of a partisan primary:

(a) For physically separate ballots:

(i) A log must be kept of all voted ballots rejected and included as part of the county canvassing board minutes.

(ii) When a voted nonpartisan ballot and a voted party ballot are both returned, and the nonpartisan section of the party ballot was not voted, the votes from both ballots must be duplicated onto a blank ballot of the same party the voter originally voted for.

(iii) When a party ballot and nonpartisan ballot both have been returned with the nonpartisan offices and ballot measures voted on both ballots, the nonpartisan votes that are the same on each ballot and the party votes shall be duplicated and counted.

(iv) Write-in votes for a partisan candidate on a nonpartisan ballot must not be counted in the final write-in tally.

(v) Write-in votes for a partisan candidate who has not filed a write-in declaration of candidacy, thereby affiliating with a major party, must not be counted in the final write-in tally.

(vi) If physically separate ballots are used and a voter returns more than one voted partisan ballot, no votes cast for candidates for partisan office shall be counted. If votes are cast for nonpartisan offices and/or ballot measures on only one of the partisan ballots, the nonpartisan votes must be counted. If votes are cast for nonpartisan offices and/or ballot measures on more than one party ballot, only those votes which are the same on each ballot shall be duplicated onto a nonpartisan ballot and counted.

(vii) If more than one ballot is returned but only one ballot is voted, the voted ballot must be counted.

(b) For consolidated ballots:

(i) When voting a consolidated ballot, if the voter does not mark the party checkbox, votes cast for candidates for partisan office must not be counted but votes cast on the nonpartisan portion of the ballot shall be counted.

(ii) Write-in votes for a partisan candidate in a partisan office on the nonpartisan section of the ballot must not be counted in the final write-in tally.

(iii) Write-in votes for a partisan candidate who has not filed a write-in declaration of candidacy shall not be counted in the final write-in tally.

(iv) If the voter marks one party checkbox, only those votes for candidates of that party shall count. Votes cast for candidates of other political parties must not be counted and do not cause over-votes.

Additionally, the canvassing board shall reject any ballot cast by a voter not qualified to vote, and shall reject absentee ballots where such rejection is required by law or administrative rule.

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-262-031, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-031, filed 8/19/05, effective 9/19/05.]

**WAC 434-262-040 Verification of auditor's abstract of votes.** The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the individual precinct and absentee ballot totals have been included in the abstract and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those individual precinct and absentee ballot totals.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.]

**WAC 434-262-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes.** (1) If the county canvassing board, during the verification process, discovers that errors or discrepancies exist in the auditor's abstract of votes, the board shall investigate those errors or discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may proceed to verify votes cast on other measures or races if a majority of the board believes that the nature of the errors or discrepancies discovered warrant further action on their part.

(2) Changes in the results of an election following a recount are not considered errors or discrepancies.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-262-050, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.]

**WAC 434-262-060 Documentation of corrective action taken.** If the canvassing board decides to take corrective action with respect to errors or discrepancies described in WAC 434-262-050, the canvassing board shall prepare a written narrative of the errors or discrepancies discovered, the cause of those errors, if known, and the corrective action taken. Each member of the canvassing board must sign the written narrative and must initial the auditor's abstract of votes if it is altered or modified by the canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-262-060, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW

29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.]

#### **WAC 434-262-070 Official county canvass report.**

Upon completion of the verification of the auditor's abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon. The certification shall also state the total number of registered voters and votes cast in the county. The certification shall contain the oath required by RCW 29A.60.200, signed by the county auditor and attested to by the chairman of the board of the county legislative authority, and shall have a space where the official seal of the county shall be attached. This certification, the auditor's abstract of votes, any adding machine tapes produced during the verification process, and the written narrative of errors and discrepancies discovered and corrected, if applicable, shall constitute the official county canvass report. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter 29A.64 RCW, or upon order of the superior court, or by the county canvassing board reconvened specifically for that purpose. The vote totals contained therein shall constitute the official returns of that election.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-262-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.]

**WAC 434-262-080 Transmittal of certified copy of county canvass report to the secretary of state.** Immediately following the certification of the returns of any primary, special, or general election in which state measures, federal or state offices, or legislative or judicial offices whose jurisdiction encompasses more than one county appeared on the ballot, the county auditor must transmit those returns to the secretary of state by fax, e-mail, or other electronic means. No later than the next business day, the county auditor must send to the secretary of state a certified copy of that part of the county canvass report and, if applicable, the written narrative, covering those issues and offices.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-262-080, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-080, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. 00-10-010, § 434-262-080, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.]

**WAC 434-262-090 Receipt of certified copy of county canvass report by secretary of state.** The secretary of state shall ensure that all material required to be submitted pursuant to state law and these regulations has been included in the certified copy of the county canvass report transmitted to his or her office. In the event the secretary of state determines that the report is incomplete, he or she shall notify the county auditor of that fact and shall request that the missing part be forwarded immediately. No county's certified copy of the county canvass report shall be considered complete for

acceptance by the secretary of state until all of the material required by statute and regulation has been received by the secretary of state. In the event the certified copy of the county canvass report is illegible or in improper form, the secretary of state shall return it and require an immediate resubmission of the report in proper or legible form.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-090, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.]

**WAC 434-262-100 Canvass of returns by the secretary of state—Powers and duties.** Upon receipt of a complete certified copy of the county canvass report from a county auditor, the secretary of state shall proceed to include the results from that abstract in the official canvass of the primary, special, or general election. This shall be accomplished by adding the certified returns from each county abstract of votes in order to determine the final results for those offices and issues he or she is required by law to certify. The secretary of state shall accept the certified copy of the official abstract of votes from each county as being full, true, and correct in all respects. The secretary of state may include in the official canvass, a narrative which details or describes any apparent discrepancies discovered during the canvassing procedure, and may notify the county or counties involved of such discrepancies.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-100, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-100, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.]

**WAC 434-262-105 Audit of results of votes cast on direct recording electronic device.** (1) The audits required by RCW 29A.60.185 must use the same three races or issues, randomly selected by lot, for every direct recording electronic device subject to the audit and utilized in the election. If there are not three countywide races or issues on the ballot, the county must select the maximum number of contests available but no more than three contests from each of the devices randomly selected for the audit.

(2) Written procedures to perform audits of direct recording electronic devices as outlined in RCW 29A.60.185 must be promulgated by the county auditor.

(a) The procedures must provide for a process of randomly selecting by lot the direct recording electronic devices that will be audited.

(b) The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(i) A continuous paper record must be utilized in the audit; the paper record must not be cut into separate individual records; and

(ii) If a paper record indicates a ballot has been canceled, that ballot must be exempt from the audit;

(3) The county auditor must compare the paper records with the electronic records. The county auditor may take any necessary actions to investigate and resolve discrepancies.

(4) Prior to certification, and in time to resolve any discrepancies, the county auditor must alert the county canvassing board of discrepancies identified during the audit.

[Statutory Authority: RCW 29A.04.611. 05-24-040, § 434-262-105, filed 11/30/05, effective 12/31/05.]

**WAC 434-262-106 Machine recount of votes cast on direct recording electronic devices.** Machine recounts must be conducted by reloading individual ballot data packs or cartridges. The county auditor must verify all data packs or cartridges have been loaded.

[Statutory Authority: RCW 29A.04.611. 05-24-040, § 434-262-106, filed 11/30/05, effective 12/31/05.]

**WAC 434-262-108 Manual recount of votes cast on direct recording electronic devices.** (1) Written procedures to perform manual recounts of direct recording electronic devices must be promulgated by the county auditor. The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(a) A continuous paper record must be utilized in the audit; the paper record must not be cut into separate individual records; and

(b) If a paper record indicates a ballot has been canceled, the ballot must be exempt from the recount.

(2) The county auditor must compare the hand recount results with the original results. The county auditor may take any necessary actions to investigate and resolve discrepancies.

[Statutory Authority: RCW 29A.04.611. 05-24-040, § 434-262-108, filed 11/30/05, effective 12/31/05.]

**WAC 434-262-110 Certification of primary returns by the secretary of state.** Pursuant to RCW 29A.60.240, upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the third Tuesday following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a primary election by the third Tuesday following that primary because he or she has not received a certified copy of a county canvass report from one or more counties, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the county auditors, those reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding certified copies of county canvass reports have been received and filed.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-110, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. 00-10-010, § 434-262-110, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-110, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.]

**WAC 434-262-120 Certification of general election returns by the secretary of state.** Pursuant to RCW 29A.60.250, upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the thirtieth day following a general election, the secretary of state shall certify to the governor, president of the senate, and speaker of the house of representatives the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a general election by the thirtieth day following that election because he or she has not received a certified copy of a county canvass report from one or more counties, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the governor, president of the senate, and speaker of the house of representatives those reasons which render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding county canvass reports have been received.

[Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-262-120, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. 00-10-010, § 434-262-120, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-120, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.]

**WAC 434-262-130 Certification of special primaries and special elections.** Insofar as practicable, the procedures governing the certification of special primaries by the secretary of state shall be the same as those governing the certification of primaries, and the procedures governing the certification of special elections shall be the same as those governing general elections.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-130, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.]

**WAC 434-262-135 Thirty day reconciliation report.** Within thirty days of certification, the county auditor must prepare and make publicly available at the auditor's office or on the auditor's web site a final election reconciliation report that is substantially similar to the following:

**30 DAY RECONCILIATION REPORT**  
**ELECTION**  
 (insert date)

Total number of registered voters in all precincts \_\_\_\_\_

Total number of absentee voters credited \_\_\_\_\_

Total number of poll voters credited \_\_\_\_\_

Total number of provisional voters credited \_\_\_\_\_

Total number of federal write-in voters credited \_\_\_\_\_

Total number of UOCAVA voters credited \_\_\_\_\_

Total number of voters credited even though the ballot was late and not counted \_\_\_\_\_

Total number of voters credited \_\_\_\_\_

[Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-135, filed 6/28/06, effective 7/29/06.]

**WAC 434-262-140 Microfilm copies of election returns.** The secretary of state shall produce and make available for public inspection and copying pursuant to chapter 434-12 WAC microfilm or microfiche copies of all county canvass reports submitted to his or her office. The charges for microfilm duplicates or photocopies produced from the microfilm originals shall be equal to the actual cost of reproduction including personnel time and any cost of mailing.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-140, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.]

**WAC 434-262-160 Write-in-voting—Voter intent.** In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. Write-in votes are to be counted where abbreviations are used for office, position, or political party. Write-in votes are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate, the political party, if applicable, and if the office and/or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.]

**WAC 434-262-200 Retention of records.** All records and materials are to be maintained for a period of sixty days

after certification of each election. Where the election involves federal offices the records and material must be kept for the appropriate time frame as set forth in federal statutes.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.]

**WAC 434-262-203 Poll-site ballot reconciliation—Central count optical scan.** Using the poll-site ballot accountability forms, the poll books, and election night precinct results, poll-site ballots shall be reconciled in the following manner:

(1) Reconciliation must begin as soon as practical after the election.

(2) Each precinct's or poll-site's results shall be reconciled with the precinct's ballot accountability form. The number of ballots issued should equal the number of ballots counted plus any ballots not counted. Ballots not counted may include, but not be limited to: Provisional ballots, ballots referred to the canvassing board, ballots to be duplicated, ballots with write-in votes, spoiled ballots.

(3) Any discrepancies in precinct or poll-site results compared with the ballot accountability form must be investigated. At a minimum, the following areas must be checked in an attempt to resolve the discrepancy:

- (a) Check the accuracy of the ballot accountability form.
- (b) Recount the signatures in the poll book.
- (c) Check the spoiled ballots.
- (d) Check the provisional ballots.
- (e) Count the ballot stubs.
- (f) Check the poll-site supplies for ballots.
- (g) Manually count the number of ballots.
- (h) Call the poll workers.

(4) The ballot count included in the ballot accountability form must be compared to the number of ballots counted at the counting center;

(5) All steps to reconcile each precinct and the ballot accountability count with the number of ballots reported shall be documented, including any discrepancies that cannot be resolved. Reconciliation of all precincts shall be completed and presented to the county canvassing board before the election can be certified.

[Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-203, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-203, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-262-203, filed 2/25/05, effective 3/28/05.]

**WAC 434-262-204 Poll-site ballot reconciliation—Precinct count optical scan and direct recording devices.** Poll-site ballots shall be reconciled in the following manner:

(1) Compare the total number of votes cast from each counter at the poll-site and the number of signatures in the poll book(s).

(2) The number of ballots issued should equal the number of ballots counted plus any ballots not counted. Ballots not counted may include, but not be limited to: Provisional ballots, ballots referred to the canvassing board, ballots to be duplicated, ballots with write-in votes, any out-sorted ballots, spoiled ballots, and ballots canceled in accordance with WAC 434-253-080.

(3) Any discrepancies in precinct or poll-site results compared with the ballot accountability form must be investigated. At a minimum, the following areas must be checked in an attempt to resolve the discrepancy:

- (a) Check the accuracy of the ballot accountability form.
- (b) Recount the signatures in the poll book.
- (c) Ballot counter/direct recording device results.
- (d) Check the bins in the ballot counter(s).
- (e) Check the spoiled ballots.
- (f) Check the provisional ballots.
- (g) Count the ballot stubs.
- (h) Check the poll-site supplies for ballots.
- (i) Manually count the number of ballots.
- (j) Call the poll workers.

(4) The ballot count included in the ballot accountability form must be compared to the number of ballots counted at the counting center;

(5) All steps to reconcile each precinct and the ballot accountability count with the number of ballots reported shall be documented, including any discrepancies that cannot be resolved. Reconciliation of all precincts shall be completed and presented to the county canvassing board before the election may be certified.

[Statutory Authority: RCW 29A.04.611. 06-14-046, § 434-262-204, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-262-204, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. 05-06-035 and 05-08-065, § 434-262-204, filed 2/25/05, effective 3/28/05.]

## Chapter 434-263 WAC ADMINISTRATIVE COMPLAINT PROCEDURE

### WAC

434-263-005	Purpose.
434-263-010	Definitions.
434-263-020	Complaints.
434-263-030	Adoption of brief adjudicative proceedings.
434-263-040	Processing of complaint.
434-263-050	Brief adjudicative proceeding.
434-263-060	Initial determination and remedies.
434-263-070	Administrative review.
434-263-080	Alternative dispute resolution.
434-263-090	Publication.
434-263-100	No necessity to exhaust administrative remedies.

**WAC 434-263-005 Purpose.** The purpose of these rules is to adopt an administrative complaint procedure mandated by 42 U.S.C. § 15512(a), relating only to state implementation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), for both state and federal elections. This process may not be used for the purpose of contesting the results of any primary or election. Election contests are governed by chapter 29A.68 RCW.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-005, filed 7/27/04, effective 8/27/04.]

**WAC 434-263-010 Definitions.** For purposes of this chapter, the following terms shall have the following meanings:

- (1) "Complainant" means the person who files a complaint under this chapter.
- (2) "Election" means a special, primary or general election.

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(3) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.

(4) "Secretary" means the secretary of state or his or her designee.

(5) "State or local election official" means the secretary of state, any county auditor, or any person employed by either the secretary or an auditor whose responsibilities include or directly relate to the administration of any election.

(6) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§ 15481-15485. Violations include, but are not limited to, voting system standards, provisional voting, accessibility for individuals with disabilities, and voter registration.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-010, filed 7/27/04, effective 8/27/04.]

**WAC 434-263-020 Complaints.** Any person who believes that there is a violation of any provision of Title III, including a violation which has occurred, is occurring, or is about to occur, by any state or local election official may file a complaint with the secretary under this chapter. All complaints must:

(1) Be in writing, sworn under oath, signed and notarized. A form is optional if it contains all the required elements;

(2) Include the complainant's name, telephone number and mailing address;

(3) Include a clear and concise description of the alleged violation of Title III that is detailed enough to let both the respondent and the secretary know what the complaint is about;

(4) Be filed with the secretary, with proof of mailing or delivery of a copy to each respondent, no later than thirty days after the certification of the election at issue.

(5) If a form is provided by the office of the secretary of state, the form shall be available in all languages required by the department of justice.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-020, filed 7/27/04, effective 8/27/04.]

**WAC 434-263-030 Adoption of brief adjudicative proceedings.** All complaints filed pursuant to this chapter shall be treated as brief adjudicative proceedings, and the secretary adopts RCW 34.05.482 through 34.05.494 to govern such proceedings. The secretary has determined that the interests involved in such complaints do not warrant the procedures of RCW 34.05.413 through 34.05.479. If a complaint is written in a language as provided in the Voting Rights Act of 1965, the office of the secretary of state shall obtain a translator to facilitate processing the complaint.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-030, filed 7/27/04, effective 8/27/04.]

**WAC 434-263-040 Processing of complaint.** (1) The secretary may process the complaint in any of the following ways:

(a) The secretary may dismiss the complaint, and issue a final determination, if it does not comply with WAC 434-

263-020 or if it does not, on its face, allege a violation of Title III with regard to an election;

(b) The secretary may, with the agreement of the parties, resolve the matter informally, and issue a determination without formal proceedings; or

(c) The secretary may schedule the matter for a brief adjudicative proceeding. The secretary shall do so if the complaint is not dismissed pursuant to (a) of this subsection and a party so requests.

(2) The secretary may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-040, filed 7/27/04, effective 8/27/04.]

#### **WAC 434-263-050 Brief adjudicative proceeding. (1)**

The secretary shall designate one or more people to act as presiding officer(s) of a brief adjudicative hearing. A presiding officer may be:

- (a) The assistant or deputy secretary;
- (b) The director of elections;
- (c) The deputy director of the elections division;
- (d) Any county auditor; or
- (e) An administrative law judge.

The designee shall not be from an office named in the complaint.

(2) Before issuing a determination on the complaint, the presiding officer shall give each party an opportunity to explain the party's view of the matter, including an opportunity to be informed of the secretary's view of the matter if applicable. A determination may be based upon written submissions and documents, unless a party or the presiding officer requests a hearing on the record within ten days after the filing of the complaint.

(3) The presiding officer may schedule a hearing on the record:

- (a) In person at a convenient location;
- (b) By conference telephone call; or
- (c) By such other method that permits the parties to hear and participate in the proceeding simultaneously.

Witnesses at a hearing shall be sworn upon oath. A party who requests a hearing but fails to make himself or herself available for hearing within the time available for initial determination shall be deemed to have waived the hearing.

(4) The presiding officer may permit or solicit the submission of written materials or oral presentations by persons who are not parties if the presiding officer determines that such submissions would be helpful in evaluating the complaint.

(5) The secretary shall establish and maintain the record of the proceedings as required by RCW 34.05.494. If a hearing on the record is conducted, the record shall include a transcript or audio recording of the hearing.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-050, filed 7/27/04, effective 8/27/04.]

#### **WAC 434-263-060 Initial determination and remedies. (1)**

The presiding officer shall render a written initial decision within forty-five days after the complaint is filed, unless the complainant consents to a longer period. The determination shall include a statement as to whether, based

upon a preponderance of the evidence, a violation of Title III has been established with regard to an election. If the presiding officer determines that a violation has occurred, the determination shall specify the appropriate remedy, if one exists. If the presiding officer determines that no violation has been established, the complaint shall be dismissed.

(2) The remedy awarded under this section shall be directed to the improvement of processes or procedures governed by Title III and must be consistent with state law. Remedies may include written findings that a violation of Title III has occurred and strategies for insuring that the violation does not occur again, as well as any other remedy available to the secretary under law. The remedy may not include any award of monetary damages, costs, penalties or attorney fees, and may not include the invalidation of any vote, ballot, primary or election. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.

(3) The initial determination shall include a summary of the process for obtaining an administrative review and shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-060, filed 7/27/04, effective 8/27/04.]

#### **WAC 434-263-070 Administrative review. (1)**

Any aggrieved party may request an administrative review of the initial determination. If the secretary does not receive a request, in writing, for an administrative review within twenty-one days of service of the initial determination then the initial determination automatically becomes a final determination. If the parties have not requested an administrative review, the secretary may review the presiding officer's adjudication on his or her own motion as provided by RCW 34.05.491.

(2) The reviewing officer may be the secretary, the assistant or deputy secretary, or the director of elections, except that the same person may not serve as both the presiding officer and reviewing officer. The reviewing officer shall give each party an opportunity to explain the party's view of the matter, but must render a final determination within ninety days after the original filing of the complaint unless the complainant consents to a longer period. The determination of the reviewing officer is final and no further administrative review is available. The final determination shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-070, filed 7/27/04, effective 8/27/04.]

#### **WAC 434-263-080 Alternative dispute resolution. (1)**

If a final determination is not rendered within forty-five days after the filing of the complaint, or within such additional time to which the complainant may consent, then the complaint shall be transferred to a board of arbitration, which must resolve the complaint within sixty additional days, which may not be extended. The board of arbitration shall be composed of three members, designated by the secretary, at least two of whom must be county auditors or election managers. No two members of the panel may be employed by the same office, agency or other employer.

(2) The arbitrators shall review the record compiled in proceedings prior to the transfer, including the tape or tran-

script of any hearing, but may not conduct any further hearing or receive any additional testimony, evidence, or other submissions. The arbitrators shall determine the appropriate resolution of the complaint by majority vote. No further administrative review is available, but the arbitrator's final determination shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-080, filed 7/27/04, effective 8/27/04.]

**WAC 434-263-090 Publication.** All final determinations shall be posted on the secretary's web site, lodged with the state library or state archives, and distributed to others upon request and upon payment of copying costs. Copies shall be provided to the parties at no cost.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-090, filed 7/27/04, effective 8/27/04.]

**WAC 434-263-100 No necessity to exhaust administrative remedies.** It is not necessary to exhaust any administrative remedies available under this chapter in order to pursue any other legal action provided by law.

[Statutory Authority: RCW 29A.04.610. 04-16-037, § 434-263-100, filed 7/27/04, effective 8/27/04.]

## Chapter 434-291 WAC

### SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES

(Formerly chapter 434-91 WAC)

#### WAC

434-291-010	Purpose.
434-291-020	Submission of a preliminary and a final cost-effectiveness study of a major public energy project.
434-291-030	Request for an election pursuant to RCW 80.52.040.
434-291-040	Designation of the bond issue on the ballot.
434-291-050	Ballot title.
434-291-060	Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.
434-291-070	Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.
434-291-080	Certification of the request for a special election to the county auditors.
434-291-090	Recommendations for committees to draft statements for the voters pamphlet.
434-291-100	Appointment of committees.
434-291-110	Advisory committees.
434-291-120	Submission of arguments and rebuttals.
434-291-130	Permissible costs in allocation of election expenses.
434-291-140	Allocation of costs.
434-291-150	Documentation of charges for proportional share of election costs.
434-291-160	Proportional costs of voters pamphlet and other costs to the secretary of state.
434-291-170	Reimbursement to counties for proportional share of election costs.

**WAC 434-291-010 Purpose.** The regulations in this chapter are adopted to implement the special election provisions of chapter 6, Laws of 1981 2nd ex. sess. (Initiative Measure 394) and chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

(2007 Ed.)

[98-08-010, recodified as § 434-291-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.]

**WAC 434-291-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project.** (1) Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the secretary of state a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140.

(2) Any person who wishes to comment on the contents and conclusions of the preliminary cost-effectiveness study shall submit such comments in writing to the secretary of state no later than thirty days after the preliminary cost-effectiveness study was filed with the secretary of state. Copies of all such comments shall be promptly forwarded to the public agency which filed the preliminary cost-effectiveness study.

(3) After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment on the preliminary draft of that study. The final cost-effectiveness study and a summary of the final cost-effectiveness study shall be filed with the secretary of state no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

[98-08-010, recodified as § 434-291-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.]

**WAC 434-291-030 Request for an election pursuant to RCW 80.52.040.** Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the secretary of state a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

(1) The name, location, and type of major public energy project, expressed in common terms;

(2) The dollar amount and type of bonds being requested;

(3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;

(4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;

(5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the total indebtedness incurred for the project, including estimated interest);

(6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);

(7) The anticipated functional life of the project;

(8) The anticipated decommissioning costs of the project;

(9) The reasons for requesting a special election; and

(10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that

joint operating agency and the names of the counties which contain all or parts of each of these public agencies.

[98-08-010, recodified as § 434-291-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.]

**WAC 434-291-040 Designation of the bond issue on the ballot.** When a public agency submits a request for a special election pursuant to RCW 80.52.040, the secretary of state shall sequentially number each bond measure to appear on the ballot, beginning with the number "101," and shall designate each bond measure with the title, "Major Public Energy Project Bond Measure" to distinguish it from other major public energy project bond measures and from other types of state measures. Such measure may be further designated on the ballot and in connection with the voters pamphlet arguments for and against the measure by any project name or number by which it is publicly known and identified.

[98-08-010, recodified as § 434-291-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.]

**WAC 434-291-050 Ballot title.** Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the attorney general shall prepare and file with the secretary of state a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.

[98-08-010, recodified as § 434-291-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.]

**WAC 434-291-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.** The secretary of state shall furnish copies of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title promptly upon receipt to any individual who has submitted a written request for such notification.

[98-08-010, recodified as § 434-291-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.]

**WAC 434-291-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.** Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW 29A.72.080.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-291-070, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-291-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.]

**WAC 434-291-080 Certification of the request for a special election to the county auditors.** Within ten days of

the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

[98-08-010, recodified as § 434-291-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.]

**WAC 434-291-090 Recommendations for committees to draft statements for the voters pamphlet.** Any person who wishes to be appointed to serve on a committee to draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the secretary of state up to ten days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

[98-08-010, recodified as § 434-291-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.]

**WAC 434-291-100 Appointment of committees.** Within fifteen days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The secretary of state shall designate one of the members of each committee to serve as the chairperson of that committee.

[98-08-010, recodified as § 434-291-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.]

**WAC 434-291-110 Advisory committees.** The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of the members of the advisory committee shall be certified to the secretary of state by the chairperson of that committee within three days of their selection.

[98-08-010, recodified as § 434-291-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.]

**WAC 434-291-120 Submission of arguments and rebuttals.** At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-100 shall submit an argument for or against that measure to the secretary of state in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the secretary of state shall transmit each argument to the opposing committee. At least fifty days prior to the special election on the major public energy

project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

[98-08-010, recodified as § 434-291-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.]

**WAC 434-291-130 Permissible costs in allocation of election expenses.** County auditors may include in the election costs to be allocated pursuant to RCW 29A.04.420 any of the following types of charges:

(1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable to the election;

(2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;

(3) Telephone and postage costs which are directly attributable to the election;

(4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;

(5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;

(6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;

(7) Repairs and maintenance of voting and vote tallying equipment;

(8) Rentals for polling places and storage facilities for voting machines or devices;

(9) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;

(10) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;

(11) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-291-130, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-291-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.]

**WAC 434-291-140 Allocation of costs.** The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to RCW 80.52.040 shall be equal to the total cost of conducting that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on

the ballot at that election and the number of offices or issues attributable to that jurisdiction.

[98-08-010, recodified as § 434-291-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.]

**WAC 434-291-150 Documentation of charges for proportional share of election costs.** The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the secretary of state a summary of the total cost of the election in that county, a description of the allocation of that cost among the jurisdiction participating in that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The secretary of state shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.

[98-08-010, recodified as § 434-291-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.]

**WAC 434-291-160 Proportional costs of voters pamphlet and other costs to the secretary of state.** The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:

(1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;

(2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the administrative division and the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total number of employee hours for such employees over the same period of time;

(3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and

(4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.

The secretary of state shall include a detailed summary of any costs attributable to the major public energy project bond measure in one or more of the billings for the public agency which requested the election.

[98-08-010, recodified as § 434-291-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.]

**WAC 434-291-170 Reimbursement to counties for proportional share of election costs.** Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29A.04.420.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-291-170, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-291-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.]

**Chapter 434-324 WAC**  
**STATEWIDE VOTER REGISTRATION DATA BASE**  
 (Formerly chapter 434-24 WAC)

**WAC**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

434-324-015	Uniform control number. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-24-015, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-015, filed 6/3/74.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.
434-324-025	Precinct codes. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-025, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-025, filed 6/3/74. Formerly WAC 434-24-030, Order 6, filed 3/3/72.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.
434-324-030	Taxing district codes. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-030, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-030, filed 6/3/74. Formerly WAC 434-24-040, Order 6, filed 3/3/72.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.
434-324-035	Maintenance of recent voting record. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-035, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-035, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-035, filed 6/3/74.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.
434-324-050	Basic voter registration form. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-050, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-050, filed

10/13/97, effective 11/13/97; Order 74-4, § 434-24-050, filed 6/3/74; Order 8, § 434-24-050, filed 6/15/72; Order 6, § 434-24-050, filed 3/3/72.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

Transmittal of signature cards to the secretary of state. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-324-060, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-060, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-060, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-060, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

Exemption of transmittal of signature cards to the secretary of state. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-324-065, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-324-065, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 20.04.080 and 29.07.120. 97-18-014, § 434-24-065, filed 8/25/97, effective 9/25/97.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

Notification of cancellation. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-105, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-105, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-105, filed 6/3/74.] Repealed by 99-08-089, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080 and 29.04.210.

Transmittal of cancellations to the secretary of state. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-324-110, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-110, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-110, filed 6/3/74. Formerly WAC 434-24-110, Contents of precinct list of registered voters, Order 6, filed 3/3/72.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

Contents of precinct list of registered voters. [Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-324-120, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-120, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-120, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-120, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

Review of automated voter registration systems. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-160, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-160, filed 6/3/74.] Repealed by 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

**WAC 434-324-005 Definitions.** As used in this chapter:

(1) "Active status" means a designation assigned to voters with complete voter registration records signifying that the voter is eligible to vote.

(2) "Applicant" means a person who has applied to become a registered voter in the state of Washington.

(3) "Auditor" means "county auditor" and means the county auditor in a noncharter county or the officer in a charter county, irrespective of title, having the overall responsibility to maintain voter registration to conduct state and local elections.

(4) "County election management system" means software used by auditors to manage computer files pertaining to elections and includes, but is not limited to, voter registration records.

(5) "County registration number" means a unique identifier assigned to each registered voter by the auditor.

(6) "Extraction," as used in this chapter, means the creation of an electronic list of specific information from the entire official statewide voter registration data base.

(7) "Late registration absentee ballot" means an absentee ballot cast by a voter who registered pursuant to RCW 29A.08.145 after the close of the regular registration period.

(8) "New county" means a county in Washington state that a registered voter is moving to from another county within Washington state.

(9) "Previous county" means a county in Washington state that a registered voter lived in prior to moving to a new county.

(10) "Pending status" means a voter registration record is not yet complete, and the applicant is not yet a registered voter.

(11) "Pending cancellation" means the registered voter's registration record will be canceled within a specified amount of time and he or she is not eligible to vote.

(12) "Registered voter" means any elector who has completed the statutory registration procedures established by Title 29A RCW.

(13) "Secretary" means secretary of state or any other person authorized by the secretary of state to act on his or her behalf.

(14) "State registration number" means a unique identifier assigned to each registered voter by the state, pursuant to RCW 29A.08.651.

[Statutory Authority: RCW 29A.04.611. 05-24-039, § 434-324-005, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-008 Review of county election management systems.** (1) Each auditor must notify the secretary of the intent to purchase or install a new county election management system. The county election management system must be approved by the secretary to ensure it meets the technical specifications promulgated by the secretary to interface with the official statewide voter registration data base. This approval must be obtained prior to the purchase or installation of the system.

(2) A county election management system must have the capability to:

- (a) Store information required in WAC 434-324-010;
- (b) Generate a list of registered voters in a county and their registration statuses;
- (c) Track information specific to single elections, including the issuance and return of vote by mail and absentee ballots;
- (d) Scan voter registration forms; and
- (e) Store and provide access to images of signatures of registered voters.

(3) A county's election management system must conform to all of the requirements of state law and of these regulations, and if it does not, the secretary must notify the auditor of the nature of the nonconformity. The auditor must correct the nonconforming aspects of the county election management system and provide to the secretary such evidence of the change or changes in the system as that office may deem appropriate.

[Statutory Authority: RCW 29A.04.611. 05-24-039, § 434-324-008, filed 11/30/05, effective 12/31/05.]

(2007 Ed.)

**WAC 434-324-010 County election management system—Applications for voter registration.** (1) Each auditor must enter and maintain voter registration records in the official statewide voter registration data base by using a county election management system. Each record must contain at least the following information from the voter registration form in a format compatible with the official statewide voter registration data base:

- (a) Name;
- (b) Complete residential address;
- (c) Complete mailing address;
- (d) County registration number;
- (e) State registration number;
- (f) Gender;
- (g) Date of birth;
- (h) Date of registration;
- (i) Applicable district and precinct codes;
- (j) Dates upon which the individual has voted, if available;
- (k) Washington state driver license number, Washington state identification card number, or the last four digits of the applicant's Social Security number if he or she does not have a Washington state driver license or Washington state identification card; and
- (l) A scanned image file (format .tiff) of the applicant's signature.

(2) In the case of an applicant who applies for voter registration by mail and sends a copy of an alternative form of identification for registration purposes, pursuant to RCW 29A.08.113, the auditor must either maintain a scanned image of the identifying document or make a notation in the registration record indicating which alternative form of identification was sent to the auditor.

(3) Upon entry of an applicant's information, the auditor must check for duplicate entries.

(4) Each auditor must have a quality assurance program to maintain accurate data entry into the statewide voter registration data base.

[Statutory Authority: RCW 29A.04.611. 06-11-041, § 434-324-010, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-010, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-010, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-010, filed 6/3/74; Order 6, § 434-24-010, filed 3/3/72.]

**WAC 434-324-020 County codes.** All auditors shall use the following system of two character codes for designating the county in which the voter is registered:

Adams	- AD	Lewis	- LE
Asotin	- AS	Lincoln	- LI
Benton	- BE	Mason	- MA
Chelan	- CH	Okanogan	- OK
Clallam	- CM	Pacific	- PA
Clark	- CR	Pend Oreille	- PE
Columbia	- CU	Pierce	- PI
Cowlitz	- CZ	San Juan	- SJ
Douglas	- DG	Skagit	- SK
Ferry	- FE	Skamania	- SM
Franklin	- FR	Snohomish	- SN
Garfield	- GA	Spokane	- SP
Grant	- GR	Stevens	- ST

Grays Harbor	- GY	Thurston	- TH
Island	- IS	Wahkiakum	- WK
Jefferson	- JE	Walla Walla	- WL
King	- KI	Whatcom	- WM
Kitsap	- KP	Whitman	- WT
Kittitas	- KS	Yakima	- YA
Klickitat	- KT		

[Statutory Authority: RCW 29A.04.611, 05-24-039, § 434-324-020, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.-210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-324-020, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-020, filed 6/3/74; Order 6, § 434-24-020, filed 3/3/72.]

**WAC 434-324-040 Data transfer to secretary and registration status.** (1) Following entry into the county election management system, all information in the application for voter registration must be transferred electronically to the secretary for identity verification, outlined in RCW 29A.08.-107. The secretary must assign the application a state identification number, and the application must remain in the county election management system in pending status until the applicant's identity has been verified.

(2) If the applicant provided a Washington driver license number or state identification card number, the applicant's identity is verified with the department of licensing. If the applicant provided the last four digits of his or her Social Security number, the applicant's identity is verified with the Social Security Administration through the department of licensing.

(3) If the applicant's identity is not verified automatically, the secretary must notify the county election management system accordingly. The county auditor must first confirm the accuracy of the information entered in the county election management system from the voter registration application. The county auditor must correct any errors and again attempt to verify the applicant's identity automatically.

(4) If the applicant provided a Washington driver license number or state identification number and the identity is not verified automatically, the information on the application may be considered a "match" for purposes of RCW 29A.08.-107 if the number on the application exactly matches a number issued by the department of licensing, and it is clear that the information on the application describes the person on the department of licensing record. The county auditor may conclude that the information on the application matches the department of licensing record if:

(a) The first or middle name on the application is a variation of the first or middle name in the department of licensing record;

(b) The first, middle, or last name has transposed letters or another typographical error on the application or in the department of licensing record;

(c) The first or middle name is abbreviated with initials on the application or in the department of licensing record; or

(d) The month and day of the applicant's date of birth are transposed on the application or in the department of licensing record.

If the information on the application matches the information maintained by the department of licensing, the county auditor may override the automated failure to verify and must note the reason it is considered a match.

(5) If the applicant's driver's license or state identification number cannot be considered a match, the county auditor must attempt to contact the applicant to resolve the discrepancy, as required by RCW 29A.08.107. At a minimum, the county auditor must send a verification notice, as required by RCW 29A.08.030, 29A.08.110, and 29A.08.210, and may attempt to contact the applicant by phone or e-mail. The county auditor may attempt to confirm the applicant's driver's license number or state identification number, obtain the last four digits of the applicant's Social Security number, or obtain an alternative form of identification as allowed by RCW 29A.08.113.

(6) If the applicant provided the last four digits of his or her Social Security number and the identity is not verified automatically, the county auditor must contact the applicant to resolve the discrepancy, as required by RCW 29A.08.107. At a minimum, the county auditor must send a verification notice, as required by RCW 29A.08.030, 29A.08.110, and 29A.08.210, and may attempt to contact the applicant by phone or e-mail. The county auditor may attempt to confirm the last four digits of the applicant's Social Security number, obtain a Washington driver's license number or state identification number, or obtain an alternative form of identification as allowed by RCW 29A.08.113.

(7) Once the applicant's identity has been verified, the county auditor must change the voter's registration code in the county election management system from pending status to active. Consistent with RCW 29A.08.110, the applicant is considered registered as of the original date of mailing or date of delivery, whichever is applicable.

[Statutory Authority: RCW 29A.04.611, 06-14-050, § 434-324-040, filed 6/28/06, effective 7/29/06; 05-24-039, § 434-324-040, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-055 Duplicate voter registration search conducted by secretary.** Upon receipt of an applicant's electronic voter registration record from the auditor, and on a monthly basis pursuant to WAC 434-324-113(3), the secretary must search for potential duplicate registration records in the official statewide voter registration data base, required in RCW 29A.08.651, by comparing the applicant's name and date of birth or other identifying information provided by the applicant on the voter registration form. Duplicates will be determined by comparing the signatures on all available records. If a voter is transferring his or her registration to a new county or if any other information on the application has been updated, the auditor must update the registration record pursuant to RCW 29A.08.107(4). A duplicate registration record must not be entered as a new registration record.

[Statutory Authority: RCW 29A.04.611, 06-11-041, § 434-324-055, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-055, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-075 Timelines for new and transfer registrations.** (1) In order to be in effect for an upcoming primary, special, or general election, a registered voter must transfer his or her registration record by mail or in person no later than thirty days prior to the primary, special, or general election. A registered voter may transfer his or her registration record by completing and submitting a new application

for voter registration. Upon receipt, the auditor must process the application for voter registration in the same manner as all other applications for voter registration pursuant to WAC 434-324-010.

(2) In order to vote in an upcoming primary, special, or general election, a person who is not registered to vote in Washington must register:

(a) By mail no later than thirty days prior to the primary, special, or general election; or

(b) In person at the county auditor's office no later than fifteen days before the primary, special, or general election. A person who registers under this subsection will be issued an absentee ballot for the upcoming primary, special, or general election.

[Statutory Authority: RCW 29A.04.611. 06-14-050, § 434-324-075, filed 6/28/06, effective 7/29/06; 05-24-039, § 434-324-075, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-085 Notice of new registration or transfer.** (1) The auditor must send notification to an individual by nonforwardable, address correction requested mail if an individual:

(a) Registers to vote;

(b) Transfers his/her registration record within the county;

(c) Transfers his or her registration record from another county within Washington state; or

(d) Changes from one precinct to another because of a change in precinct boundaries.

(2) The notice must acknowledge that the request of the individual has been processed and must include:

(a) Voter's full name;

(b) Mailing address;

(c) County name;

(d) Precinct name and/or number; and

(e) The date the voter registered.

[Statutory Authority: RCW 29A.04.611. 06-11-041, § 434-324-085, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-085, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-324-085, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.-080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-085, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-085, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-085, filed 6/3/74.]

**WAC 434-324-090 Cancellation due to death—Process and notification.** (1) An auditor must cancel the voter registration records of a deceased voter as authorized by RCW 29A.08.510.

(2) In addition to comparing a list of deceased persons prepared by the registrar of vital statistics with voter registration records pursuant to RCW 29A.08.510, the secretary may also compare voter registration records with deceased persons information from the Social Security Administration. Comparisons must be conducted on a monthly basis. For any potential matches identified through the registrar of vital statistics or Social Security Administration, the secretary must confirm that the dates of birth are identical. The secretary must generate a list of matching names, identified as potentially deceased voters, and deliver it to the auditor electronically. The auditor must review the list within five days and approve or reject the proposed cancellations. The secretary may assist the auditor with this review.

[Statutory Authority: RCW 29A.04.611. 06-11-041, § 434-324-090, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-090, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-095 Cancellation due to death—Forms to cancel voter registration.**

Pursuant to RCW 29A.08.510, the auditor must maintain a supply of, furnish to the public upon request, and include in the supplies sent to each precinct for use by the precinct election officials, forms for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be canceled.

[Statutory Authority: RCW 29A.04.611. 05-24-039, § 434-324-095, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-324-095, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-095, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-095, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-095, filed 6/3/74.]

**WAC 434-324-100 Felony conviction—Notice from county clerk.**

Upon receiving official notice from state or federal court of a person's conviction of a felony as outlined in RCW 29A.08.520, the auditor must search his or her county election management system to determine whether the felon named in the official notice is a registered voter. If the auditor finds a match, he or she must confirm that the first name, last name, and date of birth on the official notice match the voter registration record before canceling the felon's voter registration. After canceling a felon's voter registration, the auditor must send a cancellation notice to the felon using the last known address and send notification to the secretary through the county election management system.

[Statutory Authority: RCW 29A.04.611. 06-11-041, § 434-324-100, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-100, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-106 Felony conviction—Secretary's quarterly comparisons.**

(1) Once a quarter, the secretary must perform comparisons with the department of corrections, as authorized in RCW 29A.08.520, to search for registration records of felons who are under the legal custody of the department of corrections due to an adult felony conviction. The secretary must create a list of felon voters by matching the first name, last name, date of birth, and other identifying information.

(2) For each felon voter, the secretary must change the voter's registration status to "pending cancellation." This change of status must be entered prior to the first extraction or pull of absentee or mail ballots. The official statewide voter registration data base must automatically notify the county election management system of the change. Voters with pending cancellation status must not be included in a poll book or be mailed an absentee or mail ballot.

(3) The secretary must mail a notification letter to each felon whose status is pending cancellation. The notification letter must be sent to the felon's last known registration mailing address indicating that his or her voter registration is about to be canceled. The letter must contain language notifying the felon that he or she may contact the auditor's office to correct the information or request a hearing if the felon status is not correct or the right to vote has been restored. The

letter must also inform the felon that he or she may request a provisional ballot for any pending elections. The notification letter must contain substantially the following language:

Dear . . . . . ,

According to the Washington state Constitution, a person who has been convicted of a felony is disqualified from voting until the right has been restored. State law requires that the right be restored only after all conditions of all felony sentences have been fulfilled or by a certificate of restoration issued by the governor.

Based on name, date of birth, and other identifying information maintained in state voter registration records and department of corrections records, you have been found ineligible to vote due to a felony conviction. The felony conviction record information includes:

Felon's name  
Felon's date of birth  
County of conviction  
Case/cause number

Your voter registration is pending cancellation. If you would like to dispute this finding, you have 30 days from the postmark date on the envelope to provide documentation that this is incorrect or request a hearing. You must contact:

County auditor  
County auditor's address  
County auditor's phone number

You may also request a provisional ballot for any election scheduled to occur prior to the resolution of your registration status.

If you do not contact the county elections department within 30 days to dispute the finding, your voter registration will be canceled.

Voting before the right is restored is a class C felony. The right to vote may be restored by proof of one of the following for each felony conviction:

1. A certificate of discharge, issued by the sentencing court;
2. A court order restoring civil right, issued by the sentencing court;
3. A final discharge and restoration of civil rights, issued by the indeterminate sentence review board; or
4. A certificate of restoration, issued by the clemency and pardons board; or
5. A pardon, issued by the governor.

Further information about how to get the right to vote restored may be found at [www.secstate.wa.gov/elections/faq.aspx](http://www.secstate.wa.gov/elections/faq.aspx).

Sincerely,

Elections Division  
Office of the Secretary of State

The secretary must provide an explanation of the requirements for restoring the right to vote. The secretary must send to each auditor the voter registration and conviction information for each matched felon registered in that county.

(4) If the felon fails to contact the auditor within thirty days, the felon's voter registration must be canceled. If an election in which the felon would otherwise be eligible to vote is scheduled to occur during the thirty days, the felon must be allowed to vote a provisional ballot.

(5) The felon's eligibility status may be resolved and the pending cancellation status reversed without scheduling a hearing if the felon provides satisfactory documentation that the felon's civil rights have been restored, the conviction is not a felony, the person convicted is not the registered voter, or the felon is otherwise eligible to vote. The auditor must notify the voter, retain a scanned copy of all documentation provided, and notify the secretary. The secretary must flag the voter registration record to prevent future cancellation based on the same felony conviction.

(6) If the felon requests a hearing, the auditor must schedule a public hearing to provide the felon an opportunity to dispute the finding. In scheduling the hearing, the auditor may take into account whether an election in which the felon would otherwise be eligible to vote is scheduled. The notice must be mailed to the felon's last known registration mailing address and must be postmarked at least seven calendar days prior to the hearing date. Notice of the hearing must also be provided to the prosecuting attorney.

(7) The auditor must provide the prosecuting attorney a copy of all relevant registration and felony conviction information. The prosecuting attorney must obtain documentation, such as a copy of the judgment and sentence, sufficient to prove the felony conviction by clear and convincing evidence. It is not necessary that the copy of the document be certified.

(8) If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility in time to hold a hearing prior to certification of an election in which the felon would otherwise be eligible to vote, the prosecuting attorney must request that the auditor dismiss the current cancellation proceedings. The auditor must reverse the voter's pending cancellation status, cancel the hearing, and notify the voter. A provisional ballot voted in the pending election must be counted if otherwise valid. The prosecuting attorney must continue to research the felon's voting eligibility. If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility prior to the next election in which the felon would otherwise be eligible to vote, the prosecuting attorney must notify the auditor. The auditor must notify the secretary, who must flag the voter registration record to prevent future cancellation based on the same felony conviction.

(9) A hearing to determine voting eligibility is an open public hearing pursuant to chapter 42.30 RCW. If the hearing occurs within thirty days before, or during the certification period of, an election in which the felon would otherwise be eligible to vote, the hearing must be conducted by the county canvassing board. If the hearing occurs at any other time, the county auditor conducts the hearing. Before a final determination is made that the felon is ineligible to vote, the prosecuting attorney must show by clear and convincing evidence that the voter is ineligible to vote due to a felony conviction. The felon must be provided a reasonable opportunity to respond. The hearing may be continued to a later date if continuance is likely to result in additional information regarding

the felon's voting eligibility. If the felon is determined to be ineligible to vote due to felony conviction and lack of rights restoration, the voter registration must be canceled. If the voter is determined to be eligible to vote, the voter's pending cancellation status must be reversed and the secretary must flag the voter registration record to prevent future cancellation based on the same felony convictions. The felon must be notified of the outcome of the hearing and the final determination is subject to judicial review pursuant to chapter 34.05 RCW.

(10) If the felon's voter registration is canceled after the felon fails to contact the auditor within the thirty day period, the felon may contact the auditor at a later date to request a hearing to dispute the cancellation. The auditor must schedule a hearing in substantially the same manner as provided in subsections (6) through (9) of this section.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-324-106, filed 11/15/06, effective 12/16/06; 05-24-039, § 434-324-106, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-108 Incapacitated persons lacking voting rights—Notice from court.** Upon receipt of a court order declaring an incapacitated person does not retain voting rights as outlined in RCW 11.88.010, the auditor must search his or her county election management system to determine whether the person is a registered voter. If the auditor determines the incapacitated person's name and other identifying information match, he or she must cancel the incapacitated person's voter registration and send notification to the secretary through the county election management system. The auditor must also send a copy of the court order to the secretary. After canceling an incapacitated person's registration, the auditor must send a cancellation notice to the incapacitated person using the last known address.

[Statutory Authority: RCW 29A.04.611. 06-11-041, § 434-324-108, filed 5/10/06, effective 6/10/06.]

**WAC 434-324-111 Voluntary cancellation of voter registration.** A voter may cancel his or her own voter registration by submitting a signed written notification to the auditor for the county in which he or she is registered to vote. Prior to cancellation of such a registration record, the auditor must ensure the signature on the notification matches the signature in the voter registration file by utilizing criteria outlined in WAC 434-379-020.

[Statutory Authority: RCW 29A.04.611. 05-24-039, § 434-324-111, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-113 Voter registration list maintenance.** In addition to conducting searches to identify felons, duplicate registration records, and deceased voters as outlined in this chapter, the following applies:

(1) Each even-numbered year, maintenance of the voter registration list, as required by RCW 29A.08.605, must be completed ninety days prior to the date of the primary in that year. The voter registration list maintenance program is complete upon mailing the required notices. Counties have discretion to also run the voter registration list maintenance in odd-numbered years.

(2) If, at any time, the secretary finds that a registered voter does not possess the qualifications required by state law

to exercise his or her right to vote for reasons not listed in this chapter, the secretary must refer such information to the appropriate county auditor and county prosecutor.

(3) If, at any time, the auditor finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this chapter, the auditor must notify the county prosecutor.

[Statutory Authority: RCW 29A.04.611. 06-11-041, § 434-324-113, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-113, filed 11/30/05, effective 12/31/05.]

#### **WAC 434-324-115 Challenge of voter's registration.**

All county auditors and the secretary of state shall furnish to the public on request forms substantially similar to the sample included below for the purpose of allowing a registered voter to challenge the registration of another voter pursuant to RCW 29A.08.810 through 29A.08.850.

#### **VOTER REGISTRATION CHALLENGE**

##### **AFFIDAVIT**

I, . . . . . declare under penalty of perjury under the laws of the State of Washington that I am a registered voter in the State of Washington and that I hereby challenge the voter registration of:

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Name	Registered Address
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I have personal knowledge and belief that this person is not qualified to vote or does not reside at the address given on his or her voter registration record, as evidenced below. I have exercised due diligence to personally verify the evidence presented.

#### **REASON FOR CHALLENGE**

Check the appropriate box below. The voter:

- Is not a U.S. Citizen.
- Will not be at least eighteen years old by the next election.
- Has been convicted of a felony and his or her right to vote has not been restored.
- Has been judicially declared ineligible to vote due to mental incompetency.
- Does not reside at the address at which he or she is registered to vote, in which case I am submitting either:
  - 1) The address at which the challenged voter actually resides: . . . . .  
or
  - 2) Evidence that I exercised due diligence to verify that the voter does not reside at the address provided and to attempt to contact the voter to learn the voter's actual residence. I personally:
    - Sent a letter with return service requested to all known addresses for the voter;
    - Visited the voter's residential address to contact persons at the address to determine if the voter actually resides there. If I was able to contact anyone who owns, manages, resides, or is employed at the address, I am submitting a signed affidavit from that

person stating that, to his or her personal knowledge, the voter does not reside at the address;

- Searched local telephone directories to determine whether the voter maintains a telephone listing at an address within the county;
- Searched county auditor property records to determine whether the voter owns any property in the county; **and**
- Searched the statewide voter registration data base to determine if the voter is registered at any other address in the state.

List the evidence for the challenge:

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Signature of Challenger	Date and Place Signed
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Address	City, State, Zip
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Attach all necessary documentation.

#### FILING A VOTER REGISTRATION CHALLENGE

##### General Information

The registration of a person as a voter is presumptive evidence of that person's right to vote. A voter registration challenge cannot be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to a challenge are public records. A challenge may be dismissed if it is not in proper form or if the reason is not grounds for a challenge. The challenge process is established in RCW 29A.08.810 through 29A.08.850. Residency requirements are established in Article VI, section 4 of the Washington state Constitution, RCW 29A.04.151 and 29A.08.112.

##### Who May File a Challenge and When

A registered voter or the prosecuting attorney may file a challenge. To affect an upcoming election, the challenge must be filed at least forty-five days before the election. However, if the challenged voter registered less than sixty days before the election or moved less than sixty days before the election without transferring the registration, the challenge must be filed at least ten days before the election or ten days after the voter registered, whichever is later. Additionally, a poll site judge or inspector may challenge a voter's right to vote on election day at the poll site.

##### Exceptions to the Residency Requirements

A voter does not lose his or her voting residency if absent due to state or federal employment, military service, school attendance, confinement in a public prison, out-of-state business, or navigation at sea. A voter who lacks a traditional residential address, such as a person who resides in a shelter, park, motor home or marina, is assigned a precinct based on the voter's physical location.

##### The Hearing

The county auditor notifies the voter and challenger of the hearing date and time. The voter and challenger may either appear in person or submit testimony by affidavit. The county auditor presides over the hearing, unless the challenge was filed during the forty-five days before an election, in which case the county canvassing board presides over the hearing. The challenger has the burden to prove by clear and convincing evidence that the voter's registration is improper. The voter has an opportunity to respond. The final decision may only be appealed in superior court.

[Statutory Authority: RCW 29A.04.611, 06-14-050, § 434-324-115, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.08.850, 05-17-094, § 434-324-115, filed 8/15/05, effective 9/15/05. Statutory Authority: RCW 29A.04.610, 04-15-089, § 434-324-115, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-324-115, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-115, filed 6/3/74.]

**WAC 434-324-118 Data auditing of county voter election management system with the official statewide voter registration data base.** Each auditor must perform data audits of its county election management system to ensure all of its data matches data in the official statewide voter registration data base. The data audits must be performed on a periodic basis and must be performed within a reasonable amount of time prior to an election.

During data auditing, the auditor must transfer voter registration records from the county election management system to the official statewide voter registration data base for verification of voter status. The official statewide voter registration data base must verify that the voter status provided by the county election management system matches the voter status in the official statewide voter registration data base. Upon completion of this verification process, the voter's registration status is either:

(1) Confirmed, and the county is authorized to issue a ballot to the voter; or

(2) Denied because the official statewide voter registration data base indicates the voter's registration record is in pending or canceled status. The auditor must update the county election management system with the appropriate voter status. The voter is not authorized to vote.

In addition, the county election management system must update the statewide voter registration data base with the appropriate voter information.

[Statutory Authority: RCW 29A.04.611, 05-24-039, § 434-324-118, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-130 Lists of registered voters for the public.** (1) Pursuant to the provisions of RCW 29A.08.710, 29A.08.720 and 29A.08.740, the auditor or secretary must furnish to any person, upon request, the current list of registered voters at actual reproduction cost. The auditor or secretary may also provide a list of canceled voters. Auditors may combine these lists. The auditor or secretary may, upon request, select names and addresses from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists must contain the information prescribed in RCW 29A.08.710 for each registered voter and may be in the form of computer

printouts, microfilm duplicates, or electronic media copies of such information.

(2) Such voter registration lists may not be used for commercial purposes. The person making the request must be provided a copy of RCW 29A.08.740.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-324-130, filed 11/15/06, effective 12/16/06; 06-11-041, § 434-324-130, filed 5/10/06, effective 6/10/06; 05-24-039, § 434-324-130, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-324-130, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-130, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-130, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-130, filed 6/3/74; Order 6, filed 3/3/72.]

**WAC 434-324-140 Requests for list of registered voters.** The auditor or secretary may require each person who requests a list of registered voters under the authority of RCW 29A.08.720 and WAC 434-324-130 to sign a request which includes penalty requirements as set forth in RCW 29A.08.720 and 29A.08.740.

[Statutory Authority: RCW 29A.04.611. 05-24-039, § 434-324-140, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-324-140, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-140, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-140, filed 6/3/74. Formerly WAC 434-24-130.]

**WAC 434-324-150 Retaining voter registration records.** The secretary and each county must retain the voter registration records according to a retention schedule approved by the state or local records committee and promulgated by the archives division of the secretary's office. On an annual basis, the secretary must copy all voter registration records from the statewide voter registration data base after each general election. By December 31st of each year, the secretary must transfer the copy to the state archives division for permanent retention. This copy will contain all voter registration records in the statewide voter registration data base, including active, inactive, and canceled records.

[Statutory Authority: RCW 29A.04.611. 06-14-050, § 434-324-150, filed 6/28/06, effective 7/29/06; 05-24-039, § 434-324-150, filed 11/30/05, effective 12/31/05.]

**WAC 434-324-165 Disaster recovery and security plans.** The secretary must maintain disaster recovery and security plans for the voter registration data base. A copy of the plans must be stored off-site. Both plans are exempt from public disclosure pursuant to RCW 42.17.310 (1)(ddd).

[Statutory Authority: RCW 29A.04.611. 06-11-041, § 434-324-165, filed 5/10/06, effective 6/10/06.]

## Chapter 434-326 WAC MOTOR VOTER (Formerly chapter 434-26 WAC)

### WAC

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(2007 Ed.)

434-326-040	Transfer of information from the department of licensing to the secretary of state.
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434-326-050	Transfer of data, and reports from the secretary of state to the county auditors.
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434-326-065	Reimbursement of county auditors and the department of licensing for routine transaction costs.
434-326-900	Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter.

**WAC 434-326-005 Authority and purpose.** These rules are adopted under the authority of chapter 143, Laws of 1990, for the purpose of establishing standards and procedures for the registration of voters by driver license agents, at driver licensing facilities.

[98-08-010, recodified as § 434-326-005, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-005, filed 8/26/91, effective 9/26/91.]

### WAC 434-326-010 Definitions.

As used in this chapter.

(1) "County auditor" and "auditor" mean the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration information and his or her deputies as the context indicates;

(2) "Licensing agent" or "agent" mean the employees serving the public at the driver licensing offices operated by the department of licensing;

(3) "Applicant" means a United States citizen who is applying for, or renewing, a driver license or state identification card, under chapter 46.20 RCW.

(4) "Data" means computer information concerning an applicant that is common to both driver license and voter registration records. This includes name, address, date of birth, sex, the date of the application, the location of the office where the application was submitted, the applicant's driver license number, the applicant's Social Security number (if provided), and the applicant's previous driver license number if the applicant has changed names.

[98-08-010, recodified as § 434-326-010, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-010, filed 8/26/91, effective 9/26/91.]

**WAC 434-326-015 Voter registration at driver license facilities.** Pursuant to RCW 29A.08.340 a person may register to vote or transfer a voter registration when he or she applies for or renews a driver license or state identification card. Nothing in these rules should be interpreted as allowing voter registration by mail.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-326-015, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-326-015, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-015, filed 8/26/91, effective 9/26/91.]

**WAC 434-326-020 Registration procedure.** When processing each applicant, at a driver license agency, the agent will inquire whether the applicant wishes to register to vote or transfer their voter registration address. If the applicant wishes, the agent shall present a voter registration application (Exhibit A) and the applicant shall provide the following information in writing:

- (1) His or her full name;
- (2) The applicant's residence address for voting purposes, if it is different from the address on the driver license;
- (3) His or her mailing address, if it is different from the voter registration residence address;
- (4) Additional information on the physical location of the voting address if it is only identified by route or box. If the address is identified by route or box, the agent will require that the form contain either the legal description of the residence, or the names and locations of the nearest cross streets;
- (5) The last address at which he or she was registered to vote;

Additionally the applicant may provide the following information in writing:

- (a) Daytime phone number;
- (b) Place of birth;
- (c) Social Security number.

[98-08-010, recodified as § 434-326-020, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-020, filed 8/26/91, effective 9/26/91.]

**WAC 434-326-025 Obtaining additional information from the applicant.** No other data will be required of the applicant. Additional information about the applicant will be gathered electronically from the applicant's department of licensing driver license computer record or driver license application.

[98-08-010, recodified as § 434-326-025, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-025, filed 8/26/91, effective 9/26/91.]

**WAC 434-326-030 Oaths and warnings.** The agent will request that the applicant read the warning concerning fraudulent registration. The applicant will then sign an oath attesting to his or her citizenship. The applicant will also sign the application portion for an initiative signature record for the secretary of state's files.

The agent will then note the applicant's registration on the licensing system computer.

[98-08-010, recodified as § 434-326-030, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-030, filed 8/26/91, effective 9/26/91.]

**WAC 434-326-035 Cancellation of previous name registration.** If the applicant is changing his or her name the agent shall offer a cancellation card to be completed in applicant's previous name and returned to the agent to be forwarded to the secretary of state and the auditor in his or her county.

[98-08-010, recodified as § 434-326-035, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-035, filed 8/26/91, effective 9/26/91.]

**WAC 434-326-040 Transfer of information from the department of licensing to the secretary of state.** The completed voter registration application forms will be transmitted by the department of licensing to the office of the secretary of state at least once each week.

[98-08-010, recodified as § 434-326-040, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-040, filed 8/26/91, effective 9/26/91.]

**WAC 434-326-045 Weekly transmittal of data from the department of licensing to the secretary of state.** Once each week the data processing division of the department of licensing will electronically transmit that week's computer data record of the voter registration transactions, to the office of the secretary of state. There will be one record for each transaction, each record will contain at least the following information:

The name, address, date of birth, sex, and driver's license number of the applicant, the applicant's Social Security number (if provided), the applicant's previous driver license number in the case of a name change, the date on which the application was submitted, and the location of the office at which the application was submitted.

[98-08-010, recodified as § 434-326-045, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-045, filed 8/26/91, effective 9/26/91.]

**WAC 434-326-050 Transfer of data, and reports from the secretary of state to the county auditors.** Each week the secretary of state will amend any computer record that requires an address for voting purposes that is different from the one supplied to the department of licensing. The computer records will then be sorted according to the county in which the voter applicant resides. The records will then be placed in the Uniform Transfer Format (Exhibit B) and copied to a disk or tape for shipment to the appropriate county auditor.

An exception report will be created for use by the secretary of state for voter applications where the address for voting purposes is different from the address provided by the department of licensing. Each county will receive a copy of this report with the computer disk.

The secretary of state shall produce a list of voter transactions by county. This list shall accompany the computer disk shipped to each county. This list shall contain at least the voter name, address, and mailing address.

[98-08-010, recodified as § 434-326-050, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-050, filed 8/26/91, effective 9/26/91.]

**WAC 434-326-055 Transfer of voter registration forms to counties.** The completed voter registration application forms will be sorted by county. If the voter has listed a previous address that is in another county or state the secretary of state shall copy the original registration and forward such copy to the appropriate county or state for cancellation of the former registration. The portion of the voter registration form that is the initiative signature card shall be detached and retained by the secretary of state. These forms will then be shipped to the county auditors along with the disk or tape copy of the matching computer records. This shipment will be made as soon as possible, no later than ten days after the secretary of state receives the data from the department of licensing. The shipment shall be made by first class mail with the following exception; within forty-five days of any primary, general, or presidential preference primary the shipment shall be made via a "next day delivery" package delivery courier. If there are no applications for a county the secretary of state shall immediately notify the county auditor.

[98-08-010, recodified as § 434-326-055, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-055, filed  
8/26/91, effective 9/26/91.]

**WAC 434-326-060 Processing records received from the secretary of state.** Whenever a county auditor receives a shipment of voter registration information from the secretary of state, he or she will process these records in a timely manner. Any voter registrations that the auditor receives for a voter residing in another county shall be forwarded to the appropriate county auditor as soon as possible after receipt, a hard copy of the computer data must accompany the card.

These records shall be processed into the auditor's existing data base by adding a voter identification number, precinct codes, levy codes and any other usual information. The signature card shall be included in the auditor's signature file.

[98-08-010, recodified as § 434-326-060, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-060, filed  
8/26/91, effective 9/26/91.]

**WAC 434-326-065 Reimbursement of county auditors and the department of licensing for routine transaction costs.** Each year at the end of the calendar year the county auditor and the state department of licensing may file a voucher with the secretary of state for reimbursement of costs. These costs must be associated with the data processing and shipping, incurred through the registration of voters by the department of licensing.

[98-08-010, recodified as § 434-326-065, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-065, filed  
8/26/91, effective 9/26/91.]

**WAC 434-326-900 Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter.** By June 1, 1992, county auditors and the department of licensing shall file all claims for reimbursement for expenses related to the development, testing, and implementation of this program and chapter, including the conversion to the Uniform Transfer Format. This will be the only opportunity for reimbursement of these expenses.

[98-08-010, recodified as § 434-326-900, filed 3/18/98, effective 3/18/98.  
Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-900, filed  
8/26/91, effective 9/26/91.]

## Chapter 434-335 WAC

### VOTING SYSTEMS

(Formerly chapter 434-333 WAC)

#### WAC

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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-335-380	Logic and accuracy test preparation—State primary and general election—Punchcard systems. [Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-380, filed 8/29/05, effective 9/29/05.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-390	Punchcard test deck maintenance and storage. [Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-390, filed 8/29/05, effective 9/29/05.] Repealed by

	06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-400	Punchcard adjustment standards and tests. [Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-400, filed 8/29/05, effective 9/29/05.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-410	Punchcard test precinct selection—State primary and general elections. [Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-410, filed 8/29/05, effective 9/29/05.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-420	Punchcard testing requirements prior to official logic and accuracy test. [Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-420, filed 8/29/05, effective 9/29/05.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-600	Parallel monitoring test. [Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-600, filed 8/29/05, effective 9/29/05.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-610	Parallel monitoring test decks. [Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-610, filed 8/29/05, effective 9/29/05.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-620	Parallel monitoring test observers. [Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-620, filed 8/29/05, effective 9/29/05.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-630	Parallel monitoring test certification. [Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-630, filed 8/29/05, effective 9/29/05.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-640	Post election test. [Statutory Authority: RCW 29A.04.-611. 05-18-022, § 434-335-640, filed 8/29/05, effective 9/29/05.] Repealed by 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.

**WAC 434-335-005 Broken or missing seals.** If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. 06-14-050, § 434-335-005, filed 6/28/06, effective 7/29/06.]

**WAC 434-335-010 Certification of voting equipment.** All voting systems, voting devices, and vote tallying systems must be certified and approved by the secretary of state before they can be used in Washington state pursuant to RCW 29A.12.080 and meet the applicable federal standards. [Statutory Authority: RCW 29A.04.611. 06-14-050, § 434-335-010, filed 6/28/06, effective 7/29/06; 05-18-022, § 434-335-010, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-020 Voting systems review board.** The voting systems review board may review voting systems for certification and make recommendations to the secretary of state based upon those reviews. The voting systems review board includes independent experts in computer science or information technology, recognized experts in election administration, and representatives of the public at large. Members of the voting systems review board are appointed to a two-year term by the secretary of state. The duties of the voting systems review board include, but are not limited to, reviewing an application for certification, as provided in WAC 434-335-090, conducting a public hearing on the application, as provided in WAC 434-335-100, and making rec-

ommendations on the application to the secretary of state, as provided in WAC 434-335-110.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-020, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-030 Initial application for certification.** Any person or corporation (applicant) owning or representing a voting system or a vote tabulating system, part of a system, equipment, materials or procedure may apply in writing to the secretary of state for certification December 1st and ending May 30th the following year. Certification examinations and hearings are only conducted between January 1st and July 15th of each year.

(1) The application must include, but is not limited to, the following information:

(a) Description of the applicant, business address, customer references, and list of election products.

(b) Description of the equipment under review, version numbers, release numbers, operating and maintenance manuals, training materials, and technical and operational specifications.

(c) Documentation of all other states that have tested, certified and used the equipment in a binding election, and the length of time used in that state. The information for each state must include the version numbers of the operating system, software, and firmware, the dates and jurisdictions, and any reports compiled by state or local governments concerning the performance of the system.

(d) A monetary deposit as described in WAC 434-335-080.

(e) A copy of a letter from the applicant to each independent testing authority (ITA) which:

(i) Directs the ITA to send a copy of the completed ITA qualification report to the secretary of state;

(ii) Authorizes the ITA to discuss testing procedures and findings with the secretary of state; and

(iii) Authorizes the ITA to allow the secretary of state to review all records of any qualification testing conducted on the equipment.

(f) A technical data package (TDP) conforming to the 2002 FEC *Federal Voting Systems Standards (FVSS)*, Vol. II, Sec. 2 standards that includes:

(i) Identification of all COTS hardware and software products and communications services used in the operation of the voting system (ref. FVSS, 2.2.1.e);

(ii) A system functionality description (ref. FVSS, 2.3);

(iii) A system security specification (ref. FVSS, 2.6);

(iv) System operations procedures (ref. FVSS, 2.8);

(v) System maintenance procedures (ref. FVSS, 2.9);

(vi) Personnel deployment and training requirements (ref. FVSS, 2.10);

(vii) Configuration management plan (ref. FVSS, 2.11);

(viii) System change notes (if applicable, ref. FVSS, 2.13);

(ix) A system change list, if any, of modifications currently in development; and

(x) A system usability testing report.

(2) The source code of an electronic voting system must be placed in escrow and be accessible by the secretary of state under prescribed conditions allowing source code review for system verification.

(3) All documents, or portions of documents, containing proprietary information are not subject to public disclosure. The secretary of state must agree to use proprietary information solely for the purpose of analyzing and testing the system, and to the extent permitted by law, may not use the proprietary information or disclose it to any other person or agency without the prior written consent of the applicant.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-030, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-040 Voting system requirements.**

(1) No voting device or its component software may be certified by the secretary of state unless it:

(a) Secures to the voter secrecy in the act of voting;

(b) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;

(c) Correctly registers all votes cast for any and all persons and for or against any and all measures;

(d) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for President and Vice-President of the United States;

(e) Produces a machine countable and human readable paper record for each vote that may be accepted or rejected by the voter before finalizing his or her vote. The paper record of an electronic vote may not be removed from the device by the voter. If the voting device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter;

(f) Has been tested and approved by the appropriate independent testing authority approved by the United States election assistance commission; and

(g) For a partisan primary, prevents the counting of votes for candidates of more than one political party.

(2) No vote tabulating system may be certified by the secretary of state unless it:

(a) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(b) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(c) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each ballot measure on the ballot in that precinct;

(d) Produces precinct and cumulative totals in printed form; and

(e) Produces legislative and congressional district totals for statewide races and issues in electronic and printed form.

(3) A vote tabulating system must:

(a) Be capable of being secured with lock and seal when not in use;

(b) Be secured physically and electronically against unauthorized access;

(c) Not be connected to, or operated on, any electronic network including, but not limited to, internal office networks, the internet, or the world wide web. A network may be used as an internal, integral part of the vote tabulating system but that network must not be connected to any other network, the internet, or the world wide web; and

(d) Not use wireless communications in any way.

(4) Transfer of information from a remote tabulating system may be made by telephonic transmission only after the creation of a disk, paper tape, or other physical means of recording ballot results.

(5) The source code of electronic voting system software that has been placed in escrow must be identical to the source code of software that has been tested and certified by the federal independent testing authority and installed in the county. The applicant must place in escrow both the human-readable source code and the working or compiled version. In lieu of placing them in escrow, the source code and the working or compiled version may be deposited with the national software reference library. The software may be verified by matching the system's digital software signatures with the digital signatures the elections assistance commission has on file, when available.

[Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-335-040, filed 5/10/06, effective 6/10/06; 05-18-022, § 434-335-040, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-050 Closing an incomplete application.**

Upon receipt of an application, the secretary of state examines the application for completeness. If the application is not complete, the secretary of state must notify the applicant in writing of the information required to complete the application. Notification must occur within thirty days of receipt of the application. If all requested information is not received within thirty days of the written notification, the secretary of state deems the application closed. Closure of an application does not prevent the applicant from submitting a new application to the secretary of state.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-050, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-060 Examination of equipment.**

Secretary of state staff will initiate an examination of the applicant's equipment after receiving a completed application and a working model of the equipment and software to be reviewed. The examination consists of a series of functional application tests designed to insure that the system or equipment meets all applicable federal guidelines, and state law and rules. The examination may include an additional independent testing authority test at the discretion of the secretary of state. The examination shall include the set-up and conduct of two mock elections. The applicant shall provide ballot materials and programming to create these elections. The independent testing authority will provide the voting system software they tested directly to the secretary of state.

(1) The first election must replicate an even year general election.

(2) The second election must replicate an odd year primary, and include the use of split precincts and precinct election officer contests.

Both elections must feature at least ten precincts, with at least ten ballots in each precinct. The tests must include ballots of various ballot codes, including multiple candidates, cumulative reports, precinct reports, and canvass reports, as detailed in the test plan provided by the secretary of state.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-060, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-070 Additional information and equipment required.** The vendor shall provide a working model of the equipment under review for the duration of the examination. The secretary of state may, at the expense of the applicant, contract with independent testing authorities or laboratories, or experts in mechanical engineering, electrical engineering, or data processing to assist in the examination of the equipment.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-070, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-080 Deposit for examination expenses.** The voting systems review board evaluation must include, but is not limited to:

- (1) A review of statutory requirements;
- (2) A review of applicable federal standards;
- (3) A review of the approved qualification test results released directly to the secretary of state by the federally approved independent testing authority;
- (4) If applicable, a review of reports or other materials from prior hearings on the proposed system, procedure, or modification, either in whole or in part;

(5) A review of the report produced by the secretary of state upon completion of the examination of the voting system;

(6) If applicable, a review of any procedures manuals, guidelines, or other materials issued for use with the system;

(7) A review of any effect the application will have on the security of the voting system;

(8) A review of any effect the application will have on the accuracy of the voting system;

(9) A review of any effect the application will have on the ease and convenience with which voters use the system;

(10) A review of any effect the application will have on the timeliness of vote reporting; and

(11) A review of any effect the application will have on the overall efficiency of the voting system.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-080, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-100 Public hearing.** The voting systems review board must conduct a public hearing, scheduled at the convenience of the secretary of state and voting systems review board. At the public hearing, the applicant must demonstrate the equipment and explain its function. The applicant must be available to answer questions from the voting systems review board and the public. The applicant may be asked to submit answers in writing if the voting systems review board is not satisfied with the completeness of answers given at the hearing.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-100, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-110 Voting systems review board report.** Following the review and public hearing, the voting systems review board must issue a report to the secretary of state. The voting systems review board may recommend for or against certification of the voting system under review. The board may also recommend that certification be contingent upon fulfillment of specific conditions or procedures with the purchase or use of the voting system in this state.

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[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-110, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-120 Certification may be conditioned.** Certification of a voting system may be contingent upon fulfillment of additional conditions or procedures.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-120, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-130 Issuance of certification.** Based on the examination of the voting system and the recommendations of the secretary of state staff and the voting systems review board, the secretary of state may issue a certification of the system if the secretary of state determines that the system meets all requirements for certification. The certification must include any conditions or procedures that the secretary of state deems necessary for the system to comply with Washington state law and practice. The secretary of state must notify all county auditors of the certification within thirty days.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-130, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-140 Failure to meet certification requirements.** If the secretary of state determines that the voting system fails to meet any of the requirements for certification, the applicant must be notified and allowed thirty days to submit another version of the voting system. Examination and testing of the new voting system must be conducted as if never before performed by the office of the secretary of state.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-140, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-150 Modification of certified equipment.** After a voting system is certified, any improvements or changes to the system must be submitted to the secretary of state for approval. The secretary of state will determine if the modifications require a recertification of the system or may be approved administratively.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-150, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-160 Modification of certified equipment, guidelines for administrative approval.** The secretary of state may approve an application for modification of certified equipment administratively if the application does not:

- (1) Materially affect the lawful conduct, accuracy, efficiency, capacity or security of elections;
- (2) Materially affect the convenience to the voter of the elections process; or
- (3) Otherwise result in significant modification to existing procedures used in Washington by extending the equipment's functionality.

An application approved administratively does not require examination or review by the voting systems review board.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-160, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-170 Application for administrative approval of modified voting systems or devices.** The application for review of a modification of an existing certified system must include, but is not limited to, the following information:

- (1) Description of the applicant.
- (2) Description of the equipment under review, the modification, and all version numbers and release numbers.
- (3) All changes to the operating and maintenance manuals, training materials, and technical and operational specifications required by the modification.
- (4) All certification documents from all other states that have certified the equipment with the modification.
- (5) Reports for all tests conducted on the modification by an independent testing authority. The independent authority must meet the criteria established by the election assistance commission for such agents.
- (6) Documentation that the modification meets all applicable federal voting equipment guidelines.
- (7) A complete description, in operational and technical detail, of all differences between the previously certified equipment or system and the modified equipment or system, prepared by the applicant.
- (8) A monetary deposit as described in WAC 434-335-080.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-170, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-180 Recertification of modified voting systems or devices.** If the system, or its components, is found to be sufficiently modified under the guidelines of WAC 434-335-160 that it requires an examination of the equipment by the voting systems review board and a public hearing, the secretary of state must notify the applicant in writing that the applicant must initiate the certification process outlined in WAC 434-335-030 through 434-335-130.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-180, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-190 Restricted period.** No modification, change, or other alteration to voting or vote tabulating system, equipment, or component may be installed in a county between July 15th and November 30th of the same year.

[Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-335-190, filed 5/10/06, effective 6/10/06; 05-18-022, § 434-335-190, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-200 Emergency approval.** Emergency approval for a modification of an existing voting or vote tabulating system or equipment may be obtained from the secretary of state during the restricted period if failure to modify the system could materially affect the lawful conduct, efficiency, accuracy, or security of an upcoming election.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-200, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-210 Application information for emergency approval.** During the restricted period, a county auditor may apply in writing to the secretary of state for emergency approval of a modification of an existing certified

system. The application must include a complete description of the modification that is required and an explanation of why failure to modify the system materially affects the lawful conduct, efficiency, accuracy, or security of the upcoming election. The application must also explain why the emergency cannot be adequately remedied with procedural processes.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-210, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-212 Temporary approval of emergency modification.** If, after reviewing the application, the secretary of state determines that an emergency exists, the examination and testing of the proposed modification is expedited to meet the needs of the upcoming election. The secretary of state develops a test plan and audit procedures to ensure the modified system does not adversely affect the lawful conduct, efficiency, accuracy, or security of the upcoming elections. The secretary of state may consult with the voting systems review board. The requirement that the modification be certified by an independent testing authority is waived for an emergency approval. An emergency approval of a modification must state the time period it is effective.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-212, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-214 Public notice of emergency approval.** The secretary of state must notify all county auditors of the emergency approval within five days of approval. Such notice shall also be posted to a public forum such as the secretary of state's web site.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-214, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-220 Final approval.** Pursuant to WAC 434-335-150, the applicant must submit to the secretary of state a modification that incorporates a permanent fix to the problem covered by the emergency approval. The modification must be submitted in time to be approved under the normal modification application procedures provided in WAC 434-335-150 through 434-335-180.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-220, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-230 Judicial review of agency action.** Any of the following decisions entered pursuant to this chapter are final decisions of the secretary of state as to which no further review by the agency is available, subject to judicial review pursuant to chapter 34.05 RCW:

- (1) The issuance or denial of certification pursuant to WAC 434-335-130;
- (2) The issuance or denial of administrative approval of a modification pursuant to WAC 434-335-160;
- (3) The issuance or denial of recertification of a modified system or component pursuant to WAC 434-335-180 and 434-335-220.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-230, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-240 Acceptance testing of voting systems and equipment.** Whenever a county auditor acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must operate correctly, pass all tests, and be substantially the same as the equipment certified by the secretary of state. The minimum testing standards are described as follows:

(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product already certified by the secretary of state.

(2) The county must receive all manuals and training necessary for the proper operation of the system.

(3) For a vote tabulating system, the county must perform a series of functional and programming tests that test all functions of the system. The tests must include processing a substantial number of test ballots of various ballot codes, including split precincts, multiple candidates, precinct committee officer races, cumulative reports, precinct reports, canvass reports, and any other tests the county auditor finds necessary.

(4) The county auditor must certify the results of the acceptance tests to the secretary of state, which must include version numbers of the hardware, software, and firmware installed and tested.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-240, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-250 Inclusion of the Federal Election Commission standards for voting equipment.** The 2002 election assistance commission standards concerning voting systems and software escrow are hereby included by reference except where otherwise modified by these rules and the *Revised Code of Washington*. After January 1, 2006, in order for a modification of a system that was previously certified according to 1990 Federal Election Commission voting system standards to be administratively approved, the entire voting system must be tested and approved according to the 2002 standards.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-250, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-260 Decertification of voting systems and vote tabulating systems.** (1) The secretary of state may decertify a voting system or vote tabulating system or any component thereof and withdraw authority for its future use or sale in Washington if, at any time after certification the secretary of state determines that:

(a) The system or component fails to meet the standards set forth in applicable federal guidelines or state statutes or rules;

(b) The system or component was materially misrepresented in the certification application; or

(c) The applicant has installed unauthorized modifications to the certified software or hardware.

(2) The secretary of state must provide written notice of intent to decertify to the original applicant or its successor, if known, to all county auditors, and to the public. The notice must specify the reasons why the certification of the system

may be rescinded. The applicant or successor or any county auditor may, within thirty days after the issuance of the notice, file with the secretary of state a written explanation as to why the system or component should not be decertified. The secretary of state may extend or shorten the time for filing of a written explanation for good cause. After reviewing the explanation, the secretary of state may either discontinue the decertification process, in which case the system or component remains certified, or schedule a public hearing pursuant to subsection (3) of this section. If no explanation is timely filed, the secretary of state may either discontinue the decertification process or issue a final order pursuant to subsection (4) of this section.

(3) A decertification proceeding shall constitute an adjudicative proceeding pursuant to chapter 34.05 RCW.

(a) The secretary of state adopts the model rules of procedure as set forth in chapter 10-08 WAC, except as they may be inconsistent with this chapter. The proceeding may be conducted as an emergency adjudicative proceeding pursuant to RCW 34.05.479 if the secretary of state finds that immediate action is required to preserve the integrity of the electoral process.

(b) The secretary of state shall designate the presiding officer.

(c) The certification remains valid pending resolution of the administrative proceeding, unless the secretary of state finds, following notice and opportunity for written or oral input, which may be expedited, that the public interest requires that the decertification should take effect on a temporary basis pending hearing.

(d) The argument in favor of decertification may be presented by an employee of the secretary of state or by an assistant attorney general. Other parties may be represented by a certified election administrator or by any person permitted to appear by WAC 434-180-560.

(4) The presiding officer or secretary shall enter an order specifying the system or component at issue, whether or not it is decertified, the effective date of any decertification, and explain the basis for the decision. The effective date of decertification shall not be less than five days after the entry of the order, but may be delayed to any reasonable date. An order issued by the secretary pursuant to subsection (2) of this section is a final order. An order issued by the presiding officer is regarded as an initial order unless the secretary of state, assistant secretary of state, deputy secretary of state, or director of elections presides, in which case the decision of the presiding officer shall be final and no further review is available within the agency.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-260, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-270 Definition of official logic and accuracy test.** As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW 29A.12.130.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-270, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-280 Logic and accuracy test conduct.** The county must provide adequate personnel to properly operate the ballot counting equipment. Whenever possible,

the equipment should be operated during the test by the same person or persons who will be responsible for the ballot count on election day. If any error in programming or mechanical function is detected, the cause must be determined and corrected, and an errorless test completed before the primary or election.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-280, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-290 Logic and accuracy test observers.** The official logic and accuracy test must be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The party observers must be instructed as election observers by the county auditor. The official logic and accuracy test must be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the observer may be removed from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers may not delay or stop the test from being conducted.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-290, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-300 Logic and accuracy testing of voting systems and equipment—State primary and general election.** At least three days before each state primary or general election, the office of the secretary of state must test the programming of the vote tabulating system to be used at that primary or election. The test must verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test must also verify that the machines are functioning to specifications.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-300, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-310 Procedure for conduct of delayed primary or general election emergency logic and accuracy test.** If the official logic and accuracy test cannot be completed at the scheduled time and place, an emergency test must be scheduled by the county auditor. The emergency test must be conducted and properly completed prior to the processing of any official ballots through the tabulating system. If no representative of the office of the secretary of state is able to attend the emergency test, the county auditor and another member of the county canvassing board or their designated representative must observe the test and certify the results. Observers and notification must be provided pursuant to WAC 434-335-290 and 434-335-320.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-310, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-320 Logic and accuracy test scheduling and preparation—State primary and general election.** Prior to each state primary and general election, the office of the secretary of state must prepare a schedule of logic and accuracy tests. The office of the secretary of state must notify each county of the date and time of the test at least thirty days before the primary or election. The county must notify the

parties, press, public, and candidates of the date and time of the test.

[Statutory Authority: RCW 29A.04.611. 06-14-048, § 434-335-320, filed 6/28/06, effective 7/29/06; 05-18-022, § 434-335-320, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-330 Logic and accuracy test certification—State primary and general election.** The county auditor or deputy, the secretary of state representative, and any political party observers must certify that the test was conducted in accordance with RCW 29A.12.130. This certification must include verification that the version numbers for all software, firmware, and hardware of the voting system used have not changed from the certified versions. Copies of this certification must be retained by the secretary of state and the county auditor and may be posted by electronic media. All programming materials, test results, and test ballots must be kept in secure storage employing the use of numbered seals and logs or other security measures that will detect any inappropriate access to the materials until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-335-310.

[Statutory Authority: RCW 29A.04.611. 06-14-048, § 434-335-330, filed 6/28/06, effective 7/29/06; 05-18-022, § 434-335-330, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-340 Logic and accuracy testing of voting systems and equipment—Special elections.** At least three days before each special election, the programming for the vote tabulating system to be used at that election must be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test must be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office that has two or more candidates and for each measure, the test must include an undervote and an overvote.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-340, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-350 Logic and accuracy test deck preparation—Special elections.** When a new test deck is required under WAC 434-335-480, the test deck used for the official logic and accuracy test must be prepared by the county auditor.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-350, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-360 Logic and accuracy test scheduling and preparation—Special election.** The county auditor is responsible for preparing the vote tabulating system and testing it before the official logic and accuracy test. The vote tabulating system must be fully programmed, cleaned, maintained, tested, and functional before the official logic and accuracy test. The county must notify the parties, press, public, and candidates of the date and time of the test.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-360, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-370 Logic and accuracy test certification—Special election.** The county auditor or deputy, and any political party observers present must certify that the test has been conducted in accordance with RCW 29A.12.130. Copies of this certification must be retained by the county auditor. All programming materials, official test results, and test ballots must be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-335-310.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-370, filed 8/29/05, effective 9/29/05.]

## OPTICAL SCAN SYSTEMS

**WAC 434-335-430 Definitions.** For optical scan voting systems:

(1) "Voting response area" means the area on the ballot, as specified in the instructions, in which the voter may place a mark to indicate a vote.

(2) "Scanning area" means the portions of the ballot that the system scans in order to read the vote marks made by voters.

(3) "Ballot marking code" means the coded patterns printed on the ballot intended to identify the ballot style to the ballot counting system.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-430, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-440 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems.** The county is responsible for preparing and testing the vote tabulating system prior to the official logic and accuracy test. This pretesting must be completed prior to using the equipment to process ballots. Information describing the candidates, offices, ballot styles, number of appearances of each office, method used to mark the test deck, a copy of the anticipated results, and all other information required to create the test decks must be sent to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed, the county must advise the office of the secretary of state before the 20th day prior to the primary or election.

[Statutory Authority: RCW 29A.04.611. 06-14-048, § 434-335-440, filed 6/28/06, effective 7/29/06; 05-18-022, § 434-335-440, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-445 The preparation of logic and accuracy test decks.** Each county shall produce a test deck of ballots to be used in the pretest and the official logic and accuracy test to verify that the vote tabulating system is programmed to correctly count the ballots.

When a race has five or fewer candidates, the pattern to mark the test deck shall begin by giving the first candidate in each race one vote, the second candidate in each race two

votes, the third candidate in each race three votes, etc. When a race has more than five candidates the pattern may be repeated. Once the pattern is completed for each race and issue, each remaining ballot style must be tested by using at least one ballot that has a first choice marked for each race and issue. Another pattern may be used if it meets the requirements outlined in this section and is approved by the secretary.

The test deck must also test that the vote tabulating system is programmed to accurately count write-in votes, overvotes, undervotes, and blank ballots. In addition, if ballot on demand systems will be used during the election, the test deck must also include a sampling of ballots printed from the ballot on demand system.

[Statutory Authority: RCW 29A.04.611. 06-14-048, § 434-335-445, filed 6/28/06, effective 7/29/06.]

**WAC 434-335-450 Optical scan test ballot selection—State primary and general elections.** Prior to the official logic and accuracy test the office of the secretary of state must review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues appearing in the election. If the office of the secretary of state prepares the test deck, the county auditor must send to the secretary of state blank ballots of the selected ballot styles as soon as the ballots are available. The representative sample constitutes the official logic and accuracy test, unless conditions warrant the office of the secretary of state to conduct a complete test of every precinct.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-450, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-460 Optical scan read head adjustment standards and tests.** Prior to each state primary and general election, read heads of optical scan central counting systems must be cleaned and tested to insure that the reader is functioning within system standards.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-460, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-470 Optical scan test ballot scan area alignment tests.** Prior to the official logic and accuracy test, each county employing an optical scan balloting system must conduct a test to confirm that the voting response area printed on the ballot face is aligned properly with the scanning area of the ballot counter. This test must also confirm that the ballot counter is properly interpreting each ballot marking code.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-470, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-480 Optical scan ballot marking code program test.** Prior to the official logic and accuracy test each county employing an optical scan balloting system must thoroughly test all programming and system components. The test must verify the office programming by thoroughly testing each individual office, the ballot style logic to insure that all offices are included on the intended ballot faces, and that the program is accumulating all offices. The county audi-

tor or deputy must certify that these tests have been completed prior to the official logic and accuracy test.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-480, filed 8/29/05, effective 9/29/05.]

## POLL SITE-BASED OPTICAL SCAN DEVICES

### **WAC 434-335-490 Poll site-based optical scan ballot counter preparation and testing.**

The logic and accuracy test of a poll site-based optical scan ballot counter must be performed by the county during preparation of the counter prior to distribution. As the ballot counter is programmed and prepared for distribution, a test of the ballot counter and the ballot styles must be performed. This test must establish that the ballot counter is functioning within system standards. All ballot styles programmed for the ballot counter must be processed by the ballot counter in order to insure that it is correctly counting and accumulating every office. The test must also establish that the printed voter response areas are correctly aligned with the scanning area. After all tests are performed and the ballot counter is ready for distribution, the ballot counter must be sealed and the seal number recorded. These tests serve as the official logic and accuracy test of poll site-based optical scan ballot counters.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-490, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-500 Poll site-based optical scan ballot counter test notices, observers, and log of process.** A log must be created during the testing of a poll site-based optical scan ballot counter. The log must record the time and place of each test, the precinct numbers, the seal number, and the machine number of each ballot counter, and the initials of each person testing and each person observing. The log must be included in the official logic and accuracy test materials. The processes described in WAC 434-335-490 are open to observation and subject to all notices and observers pursuant to WAC 434-335-290 and 434-335-320.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-500, filed 8/29/05, effective 9/29/05.]

## DIRECT RECORDING ELECTRONIC VOTING SYSTEMS

**WAC 434-335-510 Definitions.** For direct recording electronic voting systems:

"Access device" is the device that is used by the voter to access the ballot at a direct recording electronic voting device. It may be a card or other media.

"Calibration" is the touch screen setting on a direct recording electronic voting system that controls the voter response area.

"Controller" is a component of a direct recording electronic voting system that allows the poll worker to add information to an access device to allow a voter to access the correct ballot style.

"Parallel monitoring" is a process designed to detect the potential presence of malicious code in the software of a voting machine. It requires a specific number of voting machines to be removed from random poll sites before voting begins. These machines are then test-voted throughout election day.

(2007 Ed.)

"Response area" is the area on the ballot face that records the voter's choice.

"Touch screen" is a type of computer interface on a voting device that allows the voter to select a choice by touching the screen.

"Voter verified paper record" is a paper record of a voter's choices. The paper record may be verified by the voter before the vote is cast.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-510, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-520 Logic and accuracy test plan preparation—State primary and general election—Disability access units.** The test plan used for the official logic and accuracy test prior to a state primary or election for disability access units must be prepared by the county in the same manner as for optical scan ballots. The official testing must be completed before a direct recording device may be used for casting ballots. Counties must complete the testing to have in-person disability access voting available starting twenty days before the day of a primary or election. Information describing the candidates, offices, ballot formats, ballot styles, number of appearances of each office, and all other information required to create the test plan must be sent to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed, the county auditor must advise the office of the secretary of state before the 20th day prior to the primary or election.

[Statutory Authority: RCW 29A.04.611. 06-14-048, § 434-335-520, filed 6/28/06, effective 7/29/06; 05-18-022, § 434-335-520, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-530 Direct recording electronic test ballot selection—State primary and general election.** Prior to the official logic and accuracy test the office of the secretary of state must review the provided election materials to select a representative sample of ballot styles sufficient to cover all offices and issues appearing in the election. The representative sample constitutes the official prelection logic and accuracy test, unless conditions warrant the office of the secretary of state to conduct a complete test of every precinct.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-530, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-540 Direct recording electronic calibration adjustment standards and tests.** Prior to each state primary and election, the calibration settings of each direct recording electronic device using touch screen technology must be tested to insure that the response areas are functioning within system standards.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-540, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-550 Direct recording electronic voting response area tests.** Prior to the official logic and accuracy test, and prior to the programming of the poll-site direct recording electronic devices, each county employing a direct recording electronic balloting system must conduct a test to confirm that the voting response area indicated on each ballot face is programmed correctly. The county must test all ballot styles on at least one device to insure that the programming is

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correctly counting and accumulating every office and candidate.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-550, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-560 Direct recording electronic ballot marking code program test.** Prior to the official logic and accuracy test, each county employing a direct recording electronic balloting system to confirm that the voting response areas indicated on all ballot faces are programmed correctly. The county must test all ballot styles on at least one device to insure that the programming is correctly counting and accumulating every office and candidate.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-560, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-570 Direct recording electronic system logic and accuracy test notices, and observers.** At the discretion of the secretary of state, a county may conduct its official preelection logic and accuracy test of the county's direct recording electronic system at a date and time prior to the logic and accuracy test of the county's optical scan system. The official preelection logic and accuracy test of the county's direct recording electronic system is open to observation and subject to all notices and observers pursuant to WAC 434-335-290 and 434-335-320. The results of the test must be included in the official logic and accuracy test materials and combined with the test results of all other voting systems used by the county to confirm an adequate integration of the systems.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-570, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-580 Poll site-based direct recording electronic voting device preparation and testing.** All logic and accuracy testing of poll site-based direct recording electronic systems must be performed by the county prior to system distribution. A representative from the office of the secretary of state may attend these tests in whole or in part. As each voting device is programmed and prepared for distribution, a test of the response area, ballot styles, and ballot counter must be performed. These tests must establish that the device and the tabulation software is functioning within system standards. The tests must also establish that the voter response areas of each touch screen, if used, are correctly calibrated. These tests must also confirm that all ballot styles appropriate for the poll site to which the device will be deployed are properly issued by the controller. After all functionality tests are performed and the machine is ready for distribution, each machine must be sealed and the seal number recorded. This serves as the official logic and accuracy test of poll site-based direct recording electronic devices.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-580, filed 8/29/05, effective 9/29/05.]

**WAC 434-335-590 Poll site-based direct recording electronic device test notices, observers, and log of process.** A log must be created during the testing of a poll site-based direct recording electronic machine. The log must record the time and place of each test, the precinct numbers,

the seal number, and the machine number of each voting device, and the initials of each person testing and each person observing. This log must be included in the official logic and accuracy test materials. The processes described in WAC 434-335-580 are open to observation and subject to all notices and observers pursuant to WAC 434-335-290 and 434-335-320.

[Statutory Authority: RCW 29A.04.611. 05-18-022, § 434-335-590, filed 8/29/05, effective 9/29/05.]

## Chapter 434-369 WAC

### MAPS AND CENSUS CORRESPONDENCE LISTINGS (Formerly chapter 434-69 WAC)

#### WAC

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434-369-080	Compensation to county auditors for direct expenses.

**WAC 434-369-005 Authority and purpose.** These rules are adopted under authority of RCW 29A.76.040 pursuant to chapter 34.05 RCW to establish and govern the procedures in the census mapping project by the secretary of state.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-369-005, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-369-005, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29A.76.040. 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.]

**WAC 434-369-010 Definitions.** As used in these regulations:

(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW 29A.76.040.

(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW 29A.76.040 which indicate the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county auditor pursuant to RCW 29A.16.050(3) which indicate the names and consecutively assigned numbers of each precinct in that county.

(8) "Base maps" refers to the sets of mylar maps of each county which are provided by the secretary of state on which final detail maps will be prepared.

(9) "Census overlay maps" refers to the mylar overlay maps prepared by the secretary of state which indicate census unit boundaries and numeric identification for the area covered by each base map.

(10) "Precinct overlay maps" refers to the mylar overlay maps prepared by each county auditor which indicate precinct boundaries and numeric identification for the area covered by each base map.

(11) "Detail map" refers to the sets of maps produced by the combination of the base maps with the corresponding census and precinct overlay maps for each county.

(12) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW 29A.76.-040 which indicate the census units or portions of census units contained in each precinct in that county.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-369-010, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-369-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.]

**WAC 434-369-020 Precinct maps—Availability and distribution.** (1) Pursuant to the provisions of RCW 29A.76.040, on or before July 1, 1980, each county auditor shall prepare for public inspection and use precinct maps of that county.

(2) On or before July 18, 1980, each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county.

(3) Each county auditor shall also send one copy of the precinct maps of each city or town in that county to the clerk of that city or town.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-369-020, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-369-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-020, filed 4/8/80.]

**WAC 434-369-030 Precinct lists—Preparation and filing.** On or before July 18, 1980, each county auditor shall prepare and transmit to the secretary of state a precinct list of that county. Precinct names shall be listed in alphabetical order and shall also be numbered consecutively.

[98-08-010, recodified as § 434-369-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.]

**WAC 434-369-040 Base maps, census overlay maps, and related information—Duties of the secretary of state.** On or before September 15, 1980, the secretary of state shall prepare and transmit to each county auditor the following: (1) A set of base maps of that county; (2) a set of census overlay maps for each base map of that county; and (3) a sequential census unit listing, provided by the U.S. Census Bureau, which indicates all census units delineated on the census and base maps of that county.

[98-08-010, recodified as § 434-369-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.]

**WAC 434-369-050 Precinct overlay maps—Preparation.** Pursuant to the provisions of RCW 29A.76.040, each county auditor shall prepare precinct overlay maps for each base map of the county and each city and town within that county according to the following procedures:

(1) Precinct overlay maps shall be prepared on the reproducible mylar overlays provided by the secretary of state; (2) each county auditor shall transfer all precinct boundaries and numeric identification in red ink onto the mylar overlay for each base map of that county; and (3) each overlay map shall include the following identification in the lower left hand corner: (a) The name of the area covered by the map; (b) an arrow indicating north; and (c) the preparation date of the precinct overlay map.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-369-050, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-369-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.]

**WAC 434-369-060 Census correspondence listings—**

**Preparation.** Pursuant to the provisions of RCW 29A.76.-040, each county auditor shall prepare a census correspondence listing according to the following procedures: (1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the U.S. Census Bureau. (The order of census information on the census correspondence listing shall be identical to the sequential census unit listing.) (2) Record the number or numbers, as assigned pursuant to RCW 29A.16.050(3), of each precinct which is wholly or partially coextensive with the census unit; (3) wherever census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. (Each county auditor shall refer to current voter registration lists and other available information to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the nearest 10 percent of the total number of registered voters within the precinct.)

The census correspondence listings shall be prepared in substantially the following form:

County \_\_\_\_\_ Map sheets \_\_\_\_\_

Census Tract CCD	Block ED	Precinct Number	% of Registered Voters

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-369-060, filed 7/16/04, effective 8/16/04. 98-08-010, recodified as § 434-369-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.]

**WAC 434-369-070 Detail maps and census correspondence listings—Maintenance, distribution, and filing.** (1) On or before November 1, 1980, each county auditor shall send to the secretary of state the complete set of mylar detail maps and census correspondence listings for that county; (2) the secretary of state shall maintain the original sets of mylar detail maps of each county; (3) the secretary of state shall reproduce and distribute copies of detail maps to each county auditor for the actual cost of reproduction; and (4) each county auditor shall maintain copies of precinct maps, detail maps, and census correspondence listings of the county. Such maps shall be available for public inspection during normal office hours. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction under such rules as the county auditor has adopted pursuant to RCW 42.17.260.

[98-08-010, recodified as § 434-369-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.]

**WAC 434-369-080 Compensation to county auditors for direct expenses.** (1) Each county auditor may be reimbursed for direct expenses incurred for the preparation of precinct overlay maps and census correspondence listings. Compensation shall be made at a maximum rate of \$15.00 per 1,000 registered voters, as of the 1980 general election, for personnel costs, and \$2.00 per 1,000 registered voters, as of the 1980 general election, for supply costs.

(2) On or before April 1, 1981, each county auditor may submit to the secretary of state an invoice voucher for compensation for direct expenses. For auditing purposes, a detailed summary indicating the number of personnel, number of hours worked, and supplies used in the census mapping project must be submitted with the invoice voucher.

[98-08-010, recodified as § 434-369-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-080, filed 4/8/80.]

## Chapter 434-379 WAC INITIATIVES AND REFERENDA

(Formerly chapter 434-79 WAC)

### WAC

434-379-005	Filing of an initiative or referendum—Fee—Required documents.
434-379-007	Certificate of review.
434-379-008	Signed petitions.
434-379-010	Random sampling procedure.
434-379-020	Signature verification standard.

**WAC 434-379-005 Filing of an initiative or referendum—Fee—Required documents.** A person desiring to file with the secretary of state a petition to enact a proposed measure to the legislature or submit a proposed initiative measure to the people, or order that a referendum of all or part of any act, bill, or law, passed by the legislature be submitted to the people, may do so by filing the following documents:

[Title 434 WAC—p. 150]

(1) A legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;

(2) A notarized affidavit that the sponsor is a legal voter and is submitting the proposed measure for filing;

(3) A filing fee of five dollars for each measure submitted.

The proposed measure is not considered filed with the secretary of state until all documents and fees are filed, including any original versions required.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-379-005, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611 and 43.07.120. 05-12-116, § 434-379-005, filed 5/31/05, effective 7/1/05.]

**WAC 434-379-007 Certificate of review.** After filing the documents listed in WAC 434-379-005, a copy of the documents is sent to the code reviser. The code reviser shall issue a certificate of review certifying that he or she has reviewed the measure and that any recommendations have been communicated to the sponsor. Within fifteen working days after the date that the secretary of state submits the proposed measure to the code reviser's office, the sponsor shall file the measure and the certificate of review with the secretary of state for assignment of a serial number. The secretary of state shall refuse to make such assignment unless the measure is accompanied by a certificate of review that has substantially the same topic as the measure.

[Statutory Authority: RCW 29A.04.611 and 43.07.120. 05-12-116, § 434-379-007, filed 5/31/05, effective 7/1/05.]

**WAC 434-379-008 Signed petitions.** (1) To allow for sufficient personnel to accept and process signed petitions, the sponsor of an initiative or referendum must make an appointment with the elections division for submission of the signed petitions to the secretary. Petitions submitted prior to or at the appointment that clearly bear insufficient signatures must be rejected pursuant to RCW 29A.72.160. If the petitions are accepted and filed, additional petitions may be submitted until the applicable deadline established by RCW 29A.72.160.

(2) Signatures on initiative and referendum petitions submitted to the secretary may not be removed from the petition or eliminated from the signature count. Letters submitted to the secretary requesting the removal of one's own signature from a petition must be retained by the secretary as part of the public record for the petition.

[Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-379-008, filed 11/15/06, effective 12/16/06; 06-11-043, § 434-379-008, filed 5/10/06, effective 6/10/06.]

**WAC 434-379-010 Random sampling procedure.** In the verification of signatures on initiative and referendum petitions, under RCW 29A.72.230, the following statistical test may be employed:

(1) Take a minimum three percent unrestricted random sample of the signatures submitted;

(2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form, and the number of signatures which are duplicated in the sample;

(3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;

(4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;

(5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of the number of signatures required by Article II, Section 1A of the Washington state Constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;

(6) Determine the expected number of pairs of signatures in the sample by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures in the population;

(7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;

(8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, each signature shall be canvassed to determine the exact number of valid signatures;

(9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the petition shall be deemed to contain sufficient signatures and the serial number and ballot title shall be certified to the state legislature as provided in RCW 29A.72.230 or to the county auditors as provided in RCW 29A.72.250.

[Statutory Authority: RCW 29A.04.611 and 43.07.120. 05-12-116, § 434-379-010, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-379-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-379-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.79.200 and 29.04.080. 97-17-035, § 434-79-010, filed 8/13/97, effective 9/13/97. Statutory Authority: RCW 29.79.200. 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.]

#### **WAC 434-379-020 Signature verification standard.**

A signature on a petition sheet must be matched to the signature on file in the voter registration records. The following characteristics must be utilized to evaluate signatures to determine whether they are by the same writer:

(1) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;

(2) Agreement in the proportions of individual letters, height to width, and heights of the upper to lower case letters;

(3) Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;

(4) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-379-020, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611 and 43.07.120. 05-12-116, § 434-379-020, filed 5/31/05, effective 7/1/05.]

#### **Chapter 434-381 WAC**

#### **VOTERS' PAMPHLET**

(Formerly chapter 434-81 WAC)

#### **WAC**

434-381-110	Committee contacts.
434-381-120	Deadlines.
434-381-130	Size and quality of photographs.
434-381-140	Restriction on photographs.
434-381-150	Rejection of photographs.
434-381-160	Listing committee names and contact information.
434-381-170	Statement and argument format.
434-381-180	Editing statements and arguments.
434-381-190	Prevention of art work, photographs or other material by candidate.

#### **DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

##### 434-381-010

Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature. [98-08-010, recodified as § 434-381-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

##### 434-381-020

Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures. [98-08-010, recodified as § 434-381-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

##### 434-381-030

Additional members on committees to draft arguments for the voters pamphlets. [98-08-010, recodified as § 434-381-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

##### 434-381-040

Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet. [98-08-010, recodified as § 434-381-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

##### 434-381-050

Advisory committees. [98-08-010, recodified as § 434-381-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

##### 434-381-060

Length of statements and rebuttals. [98-08-010, recodified as § 434-381-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

##### 434-381-070

Restrictions on the style of statements in the voters pamphlets. [98-08-010, recodified as § 434-381-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-070, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

##### 434-381-080

Submission of statements and rebuttals. [98-08-010, recodified as § 434-381-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-080, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

##### 434-381-090

Rejection of statements for the voters pamphlet. [98-08-010, recodified as § 434-381-090, filed 3/18/98, effec-

434-381-100

tive 3/18/98. Statutory Authority: RCW 29.81.070, 79-05-024 (Order 79-1), § 434-81-090, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.  
 Editing of statements for the voters pamphlet. [98-08-010, recodified as § 434-381-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070, 79-05-024 (Order 79-1), § 434-81-100, filed 4/17/79.] Repealed by 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

**WAC 434-381-110 Committee contacts.** Every candidate or committee appearing in the state voters pamphlet shall designate a contact person with whom the secretary shall communicate all matters related to the pamphlet. Within five business days of the appointment of the initial members, the committee shall provide a name, mailing address, telephone number, and fax number and e-mail address as applicable. In the case of candidates the secretary shall use the information on the declaration of candidacy unless the candidate provides different information pursuant to this section.

[Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-110, filed 12/28/01, effective 1/28/02.]

**WAC 434-381-120 Deadlines.** (1) Candidate statements and photographs shall be submitted to the secretary of state:

(a) For candidates who filed during the regular filing period, within three business days after filing their declaration of candidacy;

(b) For candidates who filed during a special filing period, or were selected by a political party pursuant to either RCW 29A.52.010 or 29A.24.140, within three business days after the close of the special filing period or selection by the party.

(2) For ballot measures, including initiatives, referendums, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot;

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than twenty calendar days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than fourteen calendar days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

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(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so.

[Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-381-120, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-120, filed 12/28/01, effective 1/28/02.]

**WAC 434-381-130 Size and quality of photographs.** Candidate photographs submitted for inclusion in the voters pamphlet must have been taken within the past five years and should be sized between two and one half inches by three inches and eight by ten inches. The secretary may adjust or crop photos as necessary to fit the publication format.

[Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-130, filed 12/28/01, effective 1/28/02.]

**WAC 434-381-140 Restriction on photographs.** No photograph submitted for inclusion in the voters pamphlet may reveal clothing or insignia suggesting the holding of a public office. Examples of such clothing or insignia include, but are not limited to, judicial robes, law enforcement or military uniforms, official seals or symbols similar thereto other than the flag of the state of Washington, or other similar indicia of public office.

[Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-140, filed 12/28/01, effective 1/28/02.]

**WAC 434-381-150 Rejection of photographs.** The secretary may reject candidate photographs that do not meet the guidelines outlined by rule.

(1) The secretary will notify candidates whose photographs are being rejected;

(2) Candidates whose photographs are rejected by the secretary will be allowed to submit a new photograph;

(3) Replacement photographs must be submitted by the date specified by the secretary.

[Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-150, filed 12/28/01, effective 1/28/02.]

**WAC 434-381-160 Listing committee names and contact information.** Committee names and contact information shall be submitted to the secretary of state.

(1) Names for publication in the voters pamphlet shall be listed in the order submitted by the committee;

(2) Each committee member may use up to eight words as a title or identification. "Title or identification" means a formal or informal description of the present or past occupation, role within an organization, educational qualification, or office of an individual, but does not include any expression of opinion or motivation;

(3) The secretary will make every effort to maintain consistency in form and style for publications;

(4) State legislators will be identified in the following manner: State representative or state senator, with each title constituting two words;

(5) State elected officials will be identified as follows: Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands and insurance commissioner, with each title counting as many words as in that title;

(6) Additional titles or descriptions may be added to reach the maximum title length; and

(7) Each committee may submit contact information for inclusion in the voters pamphlet consisting of: A telephone number, an e-mail, and an internet address which will not count toward the maximum word allowance.

[Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-160, filed 12/28/01, effective 1/28/02.]

#### **WAC 434-381-170 Statement and argument format.**

(1) Statements or arguments submitted for inclusion in the voters pamphlet shall not exceed the word limit set by statute.

(a) Arguments for or against measures may contain up to four headings used to highlight major points in the argument and will not count toward the maximum word count set for arguments;

(b) The initial four headings may not exceed fifteen words for each heading;

(c) Additional headings may be used after the initial four headings in an argument, which will count toward the maximum word count of the argument;

(d) Photographs or charts may be used in candidate statements or arguments substituting fifty words from the statement or argument for each square inch used by the photograph or chart. This subsection does not apply to the photographs submitted pursuant to WAC 434-381-130 (size and quality of photographs).

(2) Statements and arguments submitted to the secretary of state shall be printed in a format that in the opinion of the secretary will provide the best reproduction.

(a) Statements and arguments will be typeset in a standard font without the use of boldface or underlining;

(b) Italics may be used to add emphasis to statements or arguments;

(c) Argument headings will be typeset entirely in bold-face capital letters.

[Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-170, filed 12/28/01, effective 1/28/02.]

**WAC 434-381-180 Editing statements and arguments.** The secretary of state is not responsible for the content of arguments or statements and shall not edit the content of statements or arguments:

(1) The secretary may correct obvious errors in grammar, spelling or punctuation;

(2) The secretary shall promptly attempt to notify any candidate or committee, by any means the secretary deems reasonable under the circumstances, if a statement or argument exceeds the maximum number of words. If the candidate or committee does not provide the secretary with a revised statement or argument that does not exceed the limit within three business days after the deadline for submission of the statement or argument, then the secretary shall modify

the statement to fit the limit by removing words or sentences, starting at the end, until the maximum word limit is reached. More words than necessary to achieve the maximum word limit may be removed by the secretary so that the statement or argument ends in a complete sentence;

(3) The secretary shall notify any committee that submits a title or identification for their members that does not conform to WAC 434-381-160(2). If the committee does not provide the secretary with a revised title that meets the requirements established in WAC 434-381-160(2) within three business days, the secretary shall publish the name without any title or identification;

(4) Prior to publishing the pamphlet the secretary shall make a reasonable effort to provide a proof copy to the candidate or committee as it will appear showing any changes to the statement or argument; and

(5) After submission of the statement or argument to the secretary, candidates or committees may only correct obvious errors or inaccuracies discovered in their own proof copy. Changes in content are not allowed.

[Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-180, filed 12/28/01, effective 1/28/02.]

**WAC 434-381-190 Prevention of art work, photographs or other material by candidate.** (1) The secretary shall be prohibited from using the art work, photography, or other materials provided by candidates for public office in the voters pamphlet in which the candidate's name appears, except that required by law or rule for the candidate's statements or, information provided by the office that publishes the pamphlet;

(2) Prior to final printing of the voters pamphlet a responsible employee of the office of the secretary of state will review complete "camera ready" copies of each edition of the voters pamphlet;

(3) Language shall be placed into contracts, with the office of the secretary of state to produce the voters pamphlet, to certify that those providing content materials for the voters pamphlet are not candidates for public office and those individuals will not run for public office while their materials are being used in a state or local pamphlet produced in conjunction with the state voters pamphlet.

[Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-190, filed 12/28/01, effective 1/28/02.]

## **Chapter 434-600 WAC PROMULGATION**

### **WAC**

434-600-010                  General purpose.

**WAC 434-600-010 General purpose.** These regulations are adopted under the provisions of chapter 40.14 RCW as amended by section 1, chapter 10, Laws of 1971 ex. sess. and chapter 54, Laws of 1973, in order to furnish procedures for the management, disposition, and preservation of public records of state and local agencies.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-600-010, filed 1/21/93, effective 2/21/93.]

## Chapter 434-610 WAC DEFINITIONS

**WAC**

434-610-010	"Agency" defined.
434-610-020	"Public record" defined.
434-610-025	"Writing" defined.
434-610-030	"Records classification" defined.
434-610-040	"Official public records" defined.
434-610-050	"Office files and memoranda" defined.
434-610-060	"Record series" defined.
434-610-070	"Retention period" defined.
434-610-080	"Long term records" defined.
434-610-090	"Archival records" defined.
434-610-100	"Retention schedule" defined.
434-610-110	"Scheduled records" defined.
434-610-120	"Division records" defined.

**WAC 434-610-010 "Agency" defined.** "Agency" means any department, office, commission, board, or division of state government; and any county, city, district, or other political subdivision or municipal corporation or any department, office, commission, court, or board or any other state or local government unit, however designated.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-010, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-020 "Public record" defined.** "Public records" means any paper, correspondence, completed form, record book, photograph, map, or drawing, regardless of physical form or characteristics, and including records stored on magnetic, electronic, or optical media, and including all copies thereof, that have been made by any agency or received by it in connection with the transaction of public business. And includes any writing containing information relating to the conduct of government or the performance of government or proprietary function prepared, owned, used, or retained by the state or local agency regardless of physical form or characteristics.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-020, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-025 "Writing" defined.** "Writing" means handwriting, typewriting, printing, photostatting, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all papers, maps, magnetic tape, punched cards, discs, drums, and other documents.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-025, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-030 "Records classification" defined.** "Records classification" means the designation of a record as either an official public record or as an office file and memorandum, as those terms are defined by RCW 40.14.010 and by these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-030, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-040 "Official public records" defined.** "Official public records" means all original or most important copies of vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating

to the receipt, use, and disposition of all public property and public income from all sources whatever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety, and performance bonds; all claims filed against the state of Washington or any agency thereof; all records and documents required by law to be filed with or kept by the state of Washington or any agency thereof; all legislative records as defined in section 2, chapter 1, Laws of 1971, ex. sess., and chapter 2, Laws of 1971 ex. sess.; and all other documents or records determined by the state or local records committees to be official public records.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-040, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-050 "Office files and memoranda" defined.** "Office files and memoranda" means all records, correspondence, exhibits, record books, booklets, drawings, maps, completed forms, or documents produced or received by the agency but not defined and classified as official public records; all documents and reports made for the internal administration of the office to which they pertain, but not required by law to be filed or kept with such agency; and all other documents or records determined by the state or local records committees to be office files and memoranda.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-050, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-060 "Record series" defined.** "Record series" means any group of related records which is filed and used as a unit and which permits evaluation as a unit for disposition purposes.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-060, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-070 "Retention period" defined.** "Retention period" means the period of time that must elapse before a specific record is eligible for disposal or transfer in accord with approved retention schedules.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-070, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-080 "Long term records" defined.** "Long term records" means records which have an enduring administrative, legal, or financial value and in consequence thereof, must be retained and preserved more than six year.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-080, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-090 "Archival records" defined.** "Archival records" means those public records of state and local government agencies which are determined by the state archivist as having continued historical value, must be permanently preserved and have been or may be transferred to the custody of the division of archives after their approved retention has been met.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-090, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-100 "Retention schedule" defined.**

"Retention schedule" means a compilation of records of an office by name and description which indicates the length of time each record series must be retained and authorizing its disposition.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-100, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-110 "Scheduled records" defined.**

"Scheduled records" are those public records which have been inventoried in accord with these regulations and approved for disposition and/or transfer to the records center but remain under the jurisdiction of the agency of origin.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-110, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-120 "Division records" defined.**

"Division records" are those records pertaining to the operations of the division of archives and records management.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-120, filed 1/21/93, effective 2/21/93.]

## **Chapter 434-615 WAC CUSTODY OF PUBLIC RECORDS**

**WAC**

434-615-010	Public records as public property.
434-615-020	Custody.
434-615-030	Authority to transfer records.

**WAC 434-615-010 Public records as public property.**

All public records shall be and remain the property of the state or local agency. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of chapter 40.14 RCW or as otherwise provided for by law and by these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-615-010, filed 1/21/93, effective 2/21/93.]

**WAC 434-615-020 Custody.** Unless otherwise provided by law, public records must remain in the legal custody of the office in which they were originally filed, which shall be considered the office of record, or shall be destroyed or transferred pursuant to instructions from the state or local records committee as required by chapter 40.14 RCW. They shall not be placed in the legal or physical custody of any other person or agency, public or private, or released to individuals, except for disposition pursuant to law or unless otherwise expressly provided by law or by these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-615-020, filed 1/21/93, effective 2/21/93.]

**WAC 434-615-030 Authority to transfer records.** All state agency records not required in the current operation of the office where they are made or kept, and all records of every state agency, commission, committee, or any other activity of state or local government which may be abolished or discontinued, shall be transferred to the state archives in accord with approved records retention schedules.

(2007 Ed.)

State records designated by the state archivist as being archival or potentially archival shall be transferred to the legal and physical custody of the state archives so that the valuable historical records of the state may be centralized, made more widely available for research, and insured permanent preservation.

Transfer of archival records to the state archives must take place within fifty years of the creation of the records so that they may be preserved for posterity in archival-quality conditions. Records which the state is required to keep permanently will be maintained intact by the state archivist, who will assume all responsibility for the access, care and preservation of such records.

Local government agency records designated by the state archivist as of primarily historical interest may be transferred to the state archives, or one of its designated regional depositories, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study. Officials of local agencies are authorized to transfer records in their custody which are no longer in current use to the Washington state archives. The state archives is not under obligation to acquire such records and will accept only records deemed valuable as a historical source. Any transfer must be by concurrent agreement, excepting wherein records are selected for preservation as historical sources from records retention schedules submitted to the local records committee for disposition authorization.

Records designated as archival on records retention schedules must be either transferred to the state archives system or retained by the originating agency in accord with standards for the maintenance of and access to archival records issued by the state archivist.

[Statutory Authority: RCW 40.14.020. 94-21-089, § 434-615-030, filed 10/19/94, effective 11/19/94. Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-615-030, filed 1/21/93, effective 2/21/93.]

## **Chapter 434-620 WAC POWERS AND DUTIES OF THE STATE ARCHIVIST**

**WAC**

434-620-010	Powers and duties of the state archivist.
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**WAC 434-620-010 Powers and duties of the state archivist.** The division of archives and records management is established in the office of the secretary of state. The division is administered by the state archivist and is the primary archival and records management agency of Washington state government. In order to insure the proper management and safekeeping of public records, the state archivist, through the several sections of the division, carries out the following functions:

- (1) Manages the archives of the state of Washington;
- (2) Centralizes the archives of the state of Washington to make them available for reference and scholarship, and to insure their proper preservation;
- (3) Inspects, inventories, catalogs, and arranges records retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) Insures the maintenance and security of all state public records and establishes safeguards against unauthorized removal or destruction;

(5) Establishes and operates such state records centers as may from time to time be authorized by appropriation for the purpose of preserving, servicing, screening, and protecting all state public records which must be retained temporarily or permanently, but which need not be kept in office space and equipment;

(6) Adopts rules under chapter 34.05 RCW;

(a) Establishing standards for the durability and permanence of public records maintained by state and local agencies;

(b) Governing procedures for the creation, maintenance, transmission, or reproduction of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services for the acquisition of information technology;

(c) Governing the accuracy and durability of photographic, optical, electronic, or other images used as public records;

(d) Carrying out other provisions of chapter 40.14 RCW.

(7) Operates a central microfilm bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; approves microfilming projects undertaken by state departments and other agencies of state government; and maintains proper standards for this work;

(8) Maintains necessary facilities for the review of records approved for destruction and for their economical disposition; directly supervise such destruction of records as should be authorized by law;

(9) Provides assistance to agencies of local government in records management related matters;

(10) Manages a statewide essential records protection program including the operation of an essential records storage facility, and serves as depository for essential record microfilms for state and local government agencies.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-620-010, filed 1/21/93, effective 2/21/93.]

### **Chapter 434-624 WAC**

#### **POWERS AND DUTIES OF THE STATE RECORDS COMMITTEE**

##### **WAC**

434-624-010	Membership.
434-624-020	Committee officers—Duties.
434-624-030	General powers of the committee.
434-624-040	General duties of the committee.
434-624-050	Committee meetings.

**WAC 434-624-010 Membership.** The chief examiner of the division of departmental audits of the state auditor's office, the state archivist, a representative appointed by the attorney general and a representative appointed by the director of the office of financial management shall constitute a committee to be known as the state records committee.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-010, filed 1/21/93, effective 2/21/93.]

**WAC 434-624-020 Committee officers—Duties.** The chief examiner of the division of departmental audits of the state auditor's office shall be ex officio chairperson of the state records committee. The representative appointed by the

attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-020, filed 1/21/93, effective 2/21/93.]

#### **WAC 434-624-030 General powers of the committee.**

The state records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of state agencies; may exercise such further powers as are granted by chapter 40.14 RCW or by any other statute.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-030, filed 1/21/93, effective 2/21/93.]

#### **WAC 434-624-040 General duties of the committee.**

The committee shall review records retention and disposition schedules submitted to it for authorization and may veto, approve, or amend the schedule or any or all records series contained therein. Approval of a schedule or amended schedule shall be by majority vote of the state records committee members.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-040, filed 1/21/93, effective 2/21/93.]

**WAC 434-624-050 Committee meetings.** The state records committee shall meet in open session on the first Wednesday of each month at 9:00 a.m. to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-050, filed 1/21/93, effective 2/21/93.]

### **Chapter 434-626 WAC**

#### **POWERS AND DUTIES OF THE STATE AGENCY RECORDS OFFICERS**

##### **WAC**

434-626-010	Designation.
434-626-020	Powers and duties of agency records officers.

**WAC 434-626-010 Designation.** The head of each agency of state government shall designate a records officer to supervise the agency records management program and to represent the agency in all its contacts with the state records committee and the division of archives and records management.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-626-010, filed 1/21/93, effective 2/21/93.]

**WAC 434-626-020 Powers and duties of agency records officers.** To facilitate the state records management program, agency records officers shall have reasonable access to all records of the agency, wherever kept, for the purposes of inventorying and scheduling their retention and transfer and shall perform the following duties.

(1) Approve all records inventory and destruction requests which are submitted to the state records committee by agency offices.

(2) Review the inventory, or manage the inventory, of all agency public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the state archivist and the state records committee.

(3) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial, and administrative needs.

(4) Review established records retention schedules at least biennially to insure that they are complete and current.

(5) Consult with other staff of the agency responsible for the maintenance of specific records regarding records retention and transfer recommendations.

(6) Administer the agency essential records program including an annual review and update of the agency essential records schedule in accordance with chapter 40.10 RCW and procedures established by the state archivist. Participate in the agency disaster preparedness plan as it relates to records protection and recovery in accord with guidelines provided by the state archivist.

(7) Exercise internal control over the acquisition of filing, microfilming, and other recording equipment and services.

(8) Coordinate other aspects of the agency records management program pursuant to law or these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-626-020, filed 1/21/93, effective 2/21/93.]

## Chapter 434-630 WAC POWERS AND DUTIES OF THE LOCAL RECORDS COMMITTEE

### WAC

434-630-010	Membership.
434-630-020	Committee officers—Duties.
434-630-030	General powers of the committee.
434-630-040	General duties of the committee.
434-630-050	Duties of the state archivist.
434-630-060	Committee meetings.

**WAC 434-630-010 Membership.** The chief examiner of the division of municipal corporations of the state auditor's office, the state archivist, and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee. Reference: RCW 40.14.070.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-010, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-020 Committee officers—Duties.** The chief examiner of the division of municipal corporations shall be ex officio chairperson of the local records committee. The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-020, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-030 General powers of the committee.** The local records committee may adopt appropriate proce-

dures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies, and may exercise such further powers as are granted by chapter 40.14 RCW or any other statute.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-030, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-040 General duties of the committee.** The local records committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The local records committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. Approval of a schedule or amended schedule shall be by unanimous vote of the local records committee members.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-040, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-050 Duties of the state archivist.** To facilitate the work of the local records committee, the state archivist shall have reasonable access to all public records, wherever kept, for the purposes of information, surveying, or cataloging them and shall perform the following duties:

(1) Provide guidelines to local governmental agencies for their assistance in preparing lists and schedules for destruction authorization.

(2) Record final actions and maintain the official files of the committee.

(3) Designate those records of county, municipal, or other local government agencies which are of primarily historical interest and arrange for document transfer to a recognized depository agency in order to relieve local officers of the burden of housing such records and to insure their preservation.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-050, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-060 Committee meetings.** The local records committee shall meet in open public session on the last Thursday of each month at 10:00 a.m. to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-060, filed 8/28/92, effective 9/28/92.]

## Chapter 434-635 WAC LOCAL RECORDS DISPOSITION AUTHORIZATION

### WAC

434-635-010	Statutory requirements.
434-635-020	Types of destruction authorizations.
434-635-030	Listed nonrecurring authorization.
434-635-040	Recurring disposition schedules.
434-635-050	General schedules may be adopted.
434-635-060	Records retention and disposition guidelines.

**WAC 434-635-010 Statutory requirements.** No public record other than office files and memoranda of any local government agency shall be destroyed until it is six years old or until the six-year retention is reduced by the local records

committee for records that are shown by the requesting agency that a six-year retention is both unnecessary and uneconomical or that a lesser federal retention guideline has been established; or until the record has been authorized for microfilming or for conversion to any other document imaging system approved by the state archivist.

Except as otherwise provided by law, no public record, including office files and memoranda, shall be destroyed until approved for destruction by the local records committee. Reference chapter 40.14 RCW.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-010, filed 8/28/92, effective 9/28/92.]

**WAC 434-635-020 Types of destruction authorizations.** Requests to destroy public records in the possession of local government agencies shall be approved only by the local records committee and shall be of two types as further set forth in these regulations; namely:

- (1) Listed nonrecurring authorization; and
- (2) Recurring disposition schedules.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-020, filed 8/28/92, effective 9/28/92.]

**WAC 434-635-030 Listed nonrecurring authorization.** County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the local records committee lists of such records on forms provided by the division of archives and records management. Such lists, when approved by the local records committee, constitute authority to destroy the specifically dated records indicated. Listed authorizations are valid only for the dates specified and are not recurring for subsequently dated records without submittal of a new list.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-030, filed 8/28/92, effective 9/28/92.]

**WAC 434-635-040 Recurring disposition schedules.** A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management, to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedules or amended schedules shall be by unanimous vote of the local records committee.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-040, filed 8/28/92, effective 9/28/92.]

**WAC 434-635-050 General schedules may be adopted.** The local records committee may approve and issue records retention/disposition schedules which shall constitute authority to dispose of specific records, held commonly by like agencies, after a required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-050, filed 8/28/92, effective 9/28/92.]

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**WAC 434-635-060 Records retention and disposition guidelines.** The state archivist may furnish suggestions and guidelines to local governmental agencies for their assistance in the preparation of lists and schedules and may furnish information relating to any other matter relating to the retention, preservation, or destruction of public records. Such guidelines may be published and include suggestions relative to the minimal retentions of records and recommendations for microfilming. The guidelines are suggestive only and are not records destruction authorizations.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-060, filed 8/28/92, effective 9/28/92.]

## Chapter 434-640 WAC METHODS OF RECORDS DISPOSAL

### WAC

434-640-010	Records disposal—Generally.
434-640-020	Disposal of confidential records.
434-640-030	Disposal by recycling.

### **WAC 434-640-010 Records disposal—Generally.**

When the state or local records committee has authorized the destruction of public records in accord with chapter 40.14 RCW, it shall be the responsibility of the agency having requested or received such authorization to cause such records to be disposed of promptly and effectively, after the approved retention period.

[Statutory Authority: RCW 40.14.020. 92-05-060, § 434-640-010, filed 2/14/92, effective 3/16/92.]

### **WAC 434-640-020 Disposal of confidential records.**

It is the agency's responsibility to insure that records exempt from disclosure per chapter 42.17 RCW, or which are otherwise considered confidential, are protected from unauthorized access during any disposal process. The primary purpose of such disposal shall be that of reducing the records to an illegible condition.

[Statutory Authority: RCW 40.14.020. 92-05-060, § 434-640-020, filed 2/14/92, effective 3/16/92.]

**WAC 434-640-030 Disposal by recycling.** Pursuant to disposal authorization from the state or local records committee, an agency may dispose of records by recycling, under the following conditions:

(1) The prompt destruction of the records shall be insured, and the responsibility for such destruction shall continue to be that of the agency until effectuated.

(2) The recycling agent or entity shall have any required licenses and shall be insured or bonded.

(3) Records shall not be kept in unattended and unprotected storage awaiting their destruction.

(4) The agency or its authorized agent shall have in effect a contract or written agreement with the recycling entity which includes these conditions.

[Statutory Authority: RCW 40.14.020. 92-05-060, § 434-640-030, filed 2/14/92, effective 3/16/92.]

**Chapter 434-660 WAC****STANDARDS FOR THE ACCURACY, DURABILITY AND PERMANENCE OF PUBLIC RECORDS****WAC**

434-660-010 Statutory authority.

**WAC 434-660-010 Statutory authority.** The state archivist shall adopt rules under chapter 34.05 RCW setting standards for the durability and permanence of public records maintained by state and local agencies:

(1) Governing procedures for the creation, maintenance, transmission, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services;

(2) Governing the accuracy and durability of photographic, optical, electronic or other images used as public records. Reference RCW 40.14.020.

[Statutory Authority: Chapter 40.14 RCW. 93-19-051, § 434-660-010, filed 9/10/93, effective 10/11/93.]

### **Chapter 434-663 WAC IMAGING SYSTEMS, STANDARDS FOR ACCURACY AND DURABILITY**

**WAC****THE USE OF ELECTRONIC IMAGING SYSTEMS FOR MANAGING PUBLIC RECORDS**

434-663-100 Legality.

**DEFINITIONS**

434-663-200 Electronic document imaging system.  
434-663-210 Document scanning.  
434-663-220 Image.  
434-663-230 Enhancement.  
434-663-240 Archival records.  
434-663-250 Open system.  
434-663-260 De facto standard.  
434-663-270 Record series.

**QUALITY OF DIGITAL IMAGES**

434-663-300 Quality of digital images.  
434-663-305 Scanning density.  
434-663-325 Compression and decompression of data.

**SYSTEM REQUIREMENTS**

434-663-500 Open systems architecture.  
434-663-530 System documentation.

**RETENTION, SCHEDULING, AND DISPOSITION OF RECORDS**

434-663-600 Retention scheduling and disposition of public records.  
434-663-615 Records retention scheduling for records on imaging system.  
434-663-630 Agency acquisition—Department of information services approval.  
434-663-640 Disposition of records identified by records committee as archival.

**PROVISION FOR CONTINUED ACCESS**

434-663-700 Usability of image and index data over time.  
434-663-705 Recordkeeping capabilities.  
434-663-710 Defining indexing requirements.  
434-663-720 Preservation strategy.  
434-663-730 Header information on image files.  
434-663-740 Security backup copies.  
434-663-750 Ensuring usability.  
434-663-760 Environmental standards or best practices for storage of electronic media.  
434-663-770 Continued access to data.  
434-663-780 Data conversion costs.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 434-663-310 Enhancement of original image. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-310, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-320 Compressing image data for storage. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-320, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-400 Usability of image and index data over time. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-400, filed 2/1/94, effective 3/7/94.] Decodified and amended by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as WAC 434-663-700.
- 434-663-410 Defining indexing requirements. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-410, filed 2/1/94, effective 3/7/94.] Decodified and amended by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as WAC 434-663-710.
- 434-663-420 Preservation strategy. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-420, filed 2/1/94, effective 3/7/94.] Decodified and amended by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as WAC 434-663-720.
- 434-663-430 Header on image files. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-430, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-440 Backup for recovery. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-440, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-450 Ensuring usability. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-450, filed 2/1/94, effective 3/7/94.] Decodified by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as WAC 434-663-750.
- 434-663-460 Stability of media. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-460, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-470 Storage media. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-470, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-480 Optical media durability. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-480, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-490 Archival, permanent, and long-term off-line storage environment. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-490, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-510 Backward compatibility. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-510, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-520 Availability of index data base for off-line media. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-520, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-610 Records retention scheduling for records on imaging system. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-610, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-620 Security copies. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-620, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

## THE USE OF ELECTRONIC IMAGING SYSTEMS FOR MANAGING PUBLIC RECORDS

**WAC 434-663-100 Legality.** The purpose of this chapter is to establish standards and recommended practices for the creation, preservation, access to, and retention of public records on electronic imaging systems. Electronic imaging systems may legally be used for recording, producing, reproducing, maintaining, and storing public records if:

(1) Those systems meet the standards set forth in this chapter;

(2) The systems are used in accordance with this chapter; and

(3) The retention and disposition of the original and copies of records maintained on those systems regardless of media are scheduled, maintained, and disposed of in accordance with chapter 40.14 RCW. Nothing in this chapter can be construed to limit the admissibility of any public record as evidence.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-100, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-100, filed 2/1/94, effective 3/7/94.]

### DEFINITIONS

**WAC 434-663-200 Electronic document imaging system.** An electronic document imaging system is a computer-based configuration of equipment and software that stores machine-readable document images and their associated character-coded index data for on-demand retrieval. Electronic images can be computer generated, or created through document scanning.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-200, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-210 Document scanning.** A specially designed input workstation is required to convert documents or images to machine-readable form for computer processing and storage. At a minimum, the input workstation includes a document scanner, an image processor unit, a video display unit, keyboard, and access to storage. Using a solid-state array or other photo-sensitive components, the document scanner measures the amount of light associated with successively encountered PELs (Picture Element) and transmits a corresponding electrical signal that is converted to computer compatible digital codes.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-210, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-220 Image.** An image can be a document, picture, or graphic. An image can be produced by scanning paper or film documents, producing images through a computer program, receiving an image by means of a fax, or by other means.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-220, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-230 Enhancement.** Any method including adjusting brightness and contrast, or algorithm employed with the objective of producing an accurate and legible copy.

[Title 434 WAC—p. 160]

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-230, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-240 Archival records.** Archival records are records that have permanent and/or historical value and are scheduled as archival. Long-term records are records having a retention period in excess of ten years. Permanent records are those records that are required by specific statute to be retained permanently.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-240, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-250 Open system.** Open system is defined to be a system that implements sufficient public specifications for interfaces, services and supporting formats to enable applications software to be ported across a wide range of systems, to interoperate or interchange with other applications on local and remote systems, and to interact with users in a style that facilitates portability. Public specifications are maintained by open, public consensus process to accommodate new technology over time, and which are consistent with international standards.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-250, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-260 De facto standard.** A de facto standard is a widely accepted industry standard without official recognition by a standards group.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-260, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-270 Record series.** A group of records that are created, used, filed, and disposed of as a unit because they relate to a particular subject or function, result from the same activity, or document a specific kind of transaction.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-270, filed 9/28/00, effective 10/29/00.]

### QUALITY OF DIGITAL IMAGES

**WAC 434-663-300 Quality of digital images.** Ensuring the quality of digitized images requires exercising control over the conversion of the original image to digital data, enhancement of the digital image if necessary, compression of the digital data for storage, decompression of digital data for retrieval, displaying the image, and printing the image.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-300, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-300, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-305 Scanning density.** Bitonal images of documents containing type fonts no smaller than six-point shall be scanned at a minimum density of 200 dots per inch (dpi). Bitonal images of documents containing type fonts smaller than six-point, engineering drawings, maps, and similar documents with fine detail or poor contrast, shall be scanned at a minimum density of 300 dots per inch. Until an ANSI or AIIM standard for color images using a lossless nonproprietary compression algorithm is established, it is recommended that color documents be scanned at a minimum density of 150 dots per inch (dpi) and use TIFF, Version

5, specifications. Scanner quality control procedures shall conform to ANSI/AIIM MS44-1988, Recommended Practice for Quality Control of Images Scanners.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-305, filed 9/28/00, effective 10/29/00.]

**WAC 434-663-325 Compression and decompression of data.** Electronic imaging systems for bitonal images shall use the Consultative Committee on International Telegraphy and Telephony (CCITT) Group 3 or Group 4 compression and decompression techniques without proprietary alterations to the algorithm. For the storage of electronic images of records for which the state or local records committee has approved a retention period of six years or less from the date of creation, a nonproprietary lossless compression algorithm may be used if a utility program or application software option is maintained to convert images to the TIFF Group 3 or Group 4 standard. For the compression and decompression of color images a lossless algorithm, such as TIFF, Group 5, is recommended.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-325, filed 9/28/00, effective 10/29/00.]

## SYSTEM REQUIREMENTS

**WAC 434-663-500 Open systems architecture.** Ensuring the usability of digital images to serve the functions for which they were designed involves long-term commitment to an open systems architecture and an approach to component upgrading, data transfer, and migration path that guarantees the portability of current data to be used with future technologies.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-500, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-530 System documentation.** Detailed technical documentation is needed to facilitate future system access. Minimum documentation must include:

- (1) A hardware systems administrator manual specifying hardware, cabling, and communications configurations;
- (2) Software applications documentation, including user manuals and design documentation;
- (3) Operational procedures for scanning, indexing and verifying images;
- (4) Current security and system change control procedures, including logs of those changes, indicating the date, identity of the person making the changes and the reason for the change; and
- (5) Written procedures for periodic back ups, including schedules and the location of secure off-site storage for those back ups.

Agencies will maintain one copy of current documentation on-site and one current copy in designated secure storage.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-530, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-530, filed 2/1/94, effective 3/7/94.]

## RETENTION, SCHEDULING, AND DISPOSITION OF RECORDS

**WAC 434-663-600 Retention scheduling and disposition of public records.** Conversion to an imaging system does not automatically authorize the destruction of the source documents for which images have been created. Destruction of, or changes to the retention period of, any public records due to conversion to or the use of a new media requires legal approval of the state or local records committee of the state of Washington under chapter 40.14 RCW, chapter 434-635 WAC, and other applicable state laws.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-600, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-600, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-615 Records retention scheduling for records on imaging system.** The required retention scheduling of public records to be created, maintained, accessed, distributed, or preserved by government entities on electronic imaging systems should be done prior to the creation or copying of images of those records. Retention schedules shall be based on the information content and function of the record series. Record series documenting electronic information system operation, and maintenance must also be included on the records retention schedule approved for the agency using the system. Electronic image media rendered obsolete through the verified accurate migration of its images to a more current media for readability may be considered a redundant version and disposed of as directed by chapter 40.14 RCW.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-615, filed 9/28/00, effective 10/29/00.]

**WAC 434-663-630 Agency acquisition—Department of information services approval.** State agencies intending to utilize an imaging system for the storage or conversion of public records must include such plans in their biennial information technology plan submitted to the department of information services and comply with other requirements of DIS as may apply.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-630, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-640 Disposition of records identified by records committee as archival.** Public records that are designated "archival" or "potentially archival" by the state or local records committee may not be destroyed without committee approval, even where images of those records have been produced and stored on an electronic imaging system.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-640, filed 9/28/00, effective 10/29/00.]

## PROVISION FOR CONTINUED ACCESS

**WAC 434-663-700 Usability of image and index data over time.** Maintaining access to and usability of electronic records requires the ability to process images and indexes both on the computer system on which they were created and on their replacement computer systems without loss of information for the full retention period approved for that record.

Ensuring the readability of electronic records over time requires the maintenance of proper environmental conditions, periodic recopying, and strategies to preserve data by migration from one generation of technology to another through a commitment to open architecture.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, amended and recodified as § 434-663-700, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-400, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-705 Recordkeeping capabilities.** Electronic imaging systems must have the following security and retention features or capabilities:

(1) Tracking information at the records series level.

(2) Ability to properly eliminate or dispose of records that exceed their retention periods as established under RCW 40.14.050 through 40.14.070.

(3) Record authentication functions as needed to meet legal, audit, and administrative requirements including automatic, computer-generated maintenance of the date and time of record creation or updating, the identity of the user or system that created or updated the record, and a system-enforced log of disposition actions.

(4) Protection against unauthorized access to records by means of a password hierarchy or other system security.

(5) Indexing capabilities that provide flexibility in associating a record series with multiple subject categories, that facilitate access and retrieval, and that provide links to related records or supporting documentation.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-705, filed 9/28/00, effective 10/29/00.]

**WAC 434-663-710 Defining indexing requirements.**

The selection of indexing methods and terms should be based on an analysis of the retrieval requirements associated with a particular application, and must ensure efficient and accurate retrieval of images and information. The design and content of the index should utilize standard attributes wherever available and take into account the security of the index and the retrieval requirements of both current and future users of the records including agency personnel, researchers, and the public.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, amended and recodified as § 434-663-710, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-410, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-720 Preservation strategy.** For an electronic image system containing public records with a retention period of ten years or longer or records containing archival information, one or more of the following preservation strategies must be employed:

(1) Retain the original paper documents;

(2) Microfilm the original documents;

(3) Migrate optical media and magnetic media at least every ten years or sooner as is necessary to avoid technical obsolescence, loss of readability, and excessive read error rates; or

(4) Record the electronic images on industry standard microfilm at the same density at which they were scanned.

[Title 434 WAC—p. 162]

[Statutory Authority: RCW 40.14.020(6). 00-20-038, amended and recodified as § 434-663-720, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-420, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-730 Header information on image files.** An electronic imaging system containing public records with a retention period of ten years or longer or records containing archival information must use a nonproprietary file header format such as Tagged Image File Format (TIFF) or a header that complies with ANSI-AIIM MS53, File Format for Storage and Exchange of Images, or Bi-level File Format: Part 1.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-730, filed 9/28/00, effective 10/29/00.]

**WAC 434-663-740 Security backup copies.** Security backup copies must be made of electronic imaging system records stored on electronic media. The methods and frequency of backup should be determined by the amount of information that would be lost if data had to be restored using the previous backup. Since backup copies are also subject to media failure, it is recommended that redundant (multiple) backup copies be made and stored at different locations, with one copy stored off-site. In order to ensure accessibility of data, at least one redundant backup copy should be recorded in a nonproprietary format. Security backup copy media must be inspected for quality using de facto or industry standards on a regular schedule and replaced before predicted failure. If the primary backup copy of an operational imaging system is found to deviate from the primary production copy due to suspected corruption or read errors, the discrepancy must be located and both the production and backup copies must be corrected to contain accurate versions of the original images.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-740, filed 9/28/00, effective 10/29/00.]

**WAC 434-663-750 Ensuring usability.** At a minimum, the system must include an electronic error checking utility that will check the integrity of the data when written to the media.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, recodified as § 434-663-750, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-450, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-760 Environmental standards or best practices for storage of electronic media.** Electronic media should be stored in a dust-free environment under the following environmental conditions:

(1) Temperature ranges meeting standards or best practices recommended for the media stored;

(2) A relative humidity range meeting standards or best practices recommended for the media stored;

(3) Media should be stored in a closed container to protect from dust and fingerprints; and

(4) Magnetic tape should be rewound in accordance with de facto or industry standards, or to best practices.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-760, filed 9/28/00, effective 10/29/00.]

**WAC 434-663-770 Continued access to data.** If access to data in an existing electronic imaging system cannot be maintained for the specified retention period of the records stored in that system, the images must be migrated, without loss to the images or indexes, at the time of acquisition or implementation of a new system. Access to electronic data which has not been migrated to a new system requires preserving the data, the storage medium in which the data is kept, and whatever hardware, operating system, and applications software is needed to view and use the data.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-770, filed 9/28/00, effective 10/29/00.]

**WAC 434-663-780 Data conversion costs.** The adoption of new electronic imaging systems may require significant expenditures for conversion of information maintained in existing electronic formats to the formats required by new imaging systems. System planning should include analysis of future information access, maintenance, data conversion, and security costs.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-780, filed 9/28/00, effective 10/29/00.]

## Chapter 434-670 WAC THE WASHINGTON STATE ARCHIVES LOCAL RECORDS GRANT PROGRAM

### **WAC**

434-670-010	Washington state archives local records grant program.
434-670-020	Eligible and ineligible activities.
434-670-030	Eligibility.
434-670-040	Evaluation of proposals.
434-670-050	Grant application requirements.
434-670-060	Grant calendar.
434-670-070	Accounting.
434-670-080	Auditing requirements.
434-670-090	Conflicts of interest.

**WAC 434-670-010 Washington state archives local records grant program.** The Washington state archives local records grant program, administered by the office of the secretary of state, provides financial assistance to local government officials to support records management and preservation efforts, particularly for records of permanent retention. This grants-in-aid program is a significant effort in the overall mission of the program to enhance the quality of archival preservation and public access to records of enduring value. This grant program is governed by this chapter and by RCW 36.22.175.

[Statutory Authority: RCW 36.22.175(1). 03-06-069, § 434-670-010, filed 3/3/03, effective 4/3/03.]

### **WAC 434-670-020 Eligible and ineligible activities.**

(1) The following activities, including but not limited to, are eligible for support through grants administered pursuant to this chapter:

- (a) Planning;
- (b) Records management;
- (c) Preservation;
- (d) Conservation;
- (e) Professional consultants;
- (f) Essential equipment;
- (g) Reference tools, and;

(h) Education;

(i) Temporary personnel.

(2) The following activities, including but not limited to, are ineligible for support through grants administered pursuant to this chapter:

- (a) Projects already completed;
- (b) Expenses incurred prior to the grant period;
- (c) Existing/permanent staff positions;
- (d) Equipment nonessential to the project;
- (e) Capital improvements to buildings;
- (f) Payments to lobbyists;
- (h) Hospitality expenses;
- (i) Prizes/awards;
- (j) Benefit activities (social, fundraisers, etc.);
- (k) Educational outreach not available to the public;
- (l) Tuition reimbursement for academic credit;
- (m) Activities having a religious purpose;
- (n) Inventories/guides not available to the public and;
- (o) Purchase of manuscripts/records.

[Statutory Authority: RCW 36.22.175(1). 03-06-069, § 434-670-020, filed 3/3/03, effective 4/3/03.]

**WAC 434-670-030 Eligibility.** Local government entities, including special purpose districts, are eligible to apply for grants under this chapter. Entities other than local governments, such as individuals, state agencies, federal agencies, and private organizations are ineligible, but local public records housed by state agencies may be included in a grant application that is submitted and administered by the local official who has statutory authority over the records.

[Statutory Authority: RCW 36.22.175(1). 03-06-069, § 434-670-030, filed 3/3/03, effective 4/3/03.]

### **WAC 434-670-040 Evaluation of proposals.** (1)

Washington state archives staff will review grant applications for completeness, conformity to application requirements, soundness of budget, and relevancy to the objectives of the Washington state archives local records grant program. (Staff may also consider, in addition to the factors specified above the potential for widespread citizen use, research value and value for ongoing governmental operation of the proposed project including improvements to existing operations.) The proposal may be returned to the applicant institution for further development or clarification, prior to application deadline.

(2) A summary will be prepared by the Washington state archives for each complete application and forwarded to the oversight committee. The committee will review the applications at its annual public meeting and make funding recommendations to the secretary of state.

(3) The office of the secretary of state will notify the applicant in writing as to whether the proposal has been funded or rejected.

[Statutory Authority: RCW 36.22.175(1). 03-06-069, § 434-670-040, filed 3/3/03, effective 4/3/03.]

### **WAC 434-670-050 Grant application requirements.**

In order to be complete an application must include:

- (1) Identification of local government entity and project personnel;

- (2) A description of the activity proposed for funding including:
- (a) Statement of purpose and goals;
  - (b) Project summary;
  - (c) Detailed analysis of plan, discussion of techniques and a timetable;
  - (d) Project objectives; and
  - (e) Specific end results or products.
- (3) A funding description, including:
- (a) Budget layout;
  - (b) Budget explanation;
  - (c) Need for outside funding;
  - (d) Funding of future management and preservation projects; and
  - (e) Local entity's accounting methods and audit procedures.
- (4) Relevant information, including:
- (a) Evaluation of results (how will the success or failure be measured);
  - (b) Statement of any previous actions; and
  - (c) Description of importance of the project in terms of an overall, long-range record management program
- (5) Authorization, including:
- (a) Being signed and dated by proper official; and
  - (b) Identification of preparer of the application.
- (6) Support material, including:
- (a) Letter of commitment from the applicant's funding authority;
  - (b) Resumes of project personnel, consultants, volunteers, etc., and descriptions of their grant-funded duties
  - (c) Required forms;
  - (d) Identification of necessary services, equipment, supplies, etc.; and
  - (e) Other relevant information.

[Statutory Authority: RCW 36.22.175(1). 03-06-069, § 434-670-050, filed 3/3/03, effective 4/3/03.]

**WAC 434-670-060 Grant calendar.** (1) The grant period begins on the date of the award issued by the Office of the Secretary of State. Grant projects must be completed in the awarded biennium.

(2) The grant payment and reporting schedule will be approved and published by the oversight committee for each grant cycle. All unused grant funds and interest in possession of the grantee must be returned to the Washington state archives local records grant program within sixty days of completion.

[Statutory Authority: RCW 36.22.175(1). 03-06-069, § 434-670-060, filed 3/3/03, effective 4/3/03.]

**WAC 434-670-070 Accounting.** Grantees must keep financial records in accordance with the accounting practices generally applicable to their local government accounting practices and apply approved record retention schedules. These records, as public records, shall be subject to inspection by the Washington state archives staff and the oversight committee during regular business hours throughout the grant period. If any litigation, claim, or audit is begun before the end of the retention period, records must be retained until such proceeding is resolved.

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[Statutory Authority: RCW 36.22.175(1). 03-06-069, § 434-670-070, filed 3/3/03, effective 4/3/03.]

**WAC 434-670-080 Auditing requirements.** Grantees must comply with the audit requirements set forth in Washington statutes for local government units. The grantee is responsible for ensuring that the Washington state archives receives copies of the audit report for any audit performed during the grant period or for the following three years. Specific accounting requirements for the Washington state archives local records grant program are:

(1) Grant money must be deposited in an auditable, interest-bearing account. Interest received must be applied to the project.

(2) Grant work must be monitored in progress. The Washington state archives staff may visit the work site for review at any time during the project.

(3) Changes in the approved grant, including changes of personnel, must be requested in writing to the Washington state archives, local records grant program.

(4) In the case of default by the grantee, the grant will be revoked and all unused funds must be returned to the Washington state archives local records grant program. The Washington state archives will notify the grantee of default in writing.

(5) The grantee shall submit a final grant report by June 30.

(6) Grantees must submit copies of all invoices with the final report, and

(7) Grantees must adhere to local and state bid requirements and submit documentation with the final grant report.

[Statutory Authority: RCW 36.22.175(1). 03-06-069, § 434-670-080, filed 3/3/03, effective 4/3/03.]

**WAC 434-670-090 Conflicts of interest.** (1) The Washington state archives oversight committee will not consider a proposal where a committee member or a member of the secretary of state's staff derives compensation from the proposed grant.

(2) A board member shall abstain from reviewing or voting on proposals if she/he is directly or indirectly connected with a proposed project through employment at the same institution, (directly or) indirectly supervises the project, or serves as an unpaid consultant to the project.

[Statutory Authority: RCW 36.22.175(1). 03-06-069, § 434-670-090, filed 3/3/03, effective 4/3/03.]

## Chapter 434-677 WAC SECURITY MICROFILM

### WAC

434-677-010	Security microfilm.
434-677-020	Storage of security microfilm.
434-677-030	Use of state archives security storage facility.
434-677-040	Retention of security microfilm.
434-677-050	Access to security film.
434-677-060	Use and removal of security microfilm.
434-677-070	Inspection and notification.
434-677-080	Right to refuse or return security film.

**WAC 434-677-010 Security microfilm.** Security microfilm is generated to protect records identified as essen-

tial to the continuity of state and local government, or as otherwise provided by law. Reference: Chapter 40.10 RCW.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-010, filed 3/20/92, effective 4/20/92.]

#### **WAC 434-677-020 Storage of security microfilm.**

Security microfilm shall be stored off-site from the original records, working copies of the microfilm, or other media containing the same information or documents. Security microfilm shall be stored in facilities under the public domain. Storage must meet atmospheric, fire, and security criteria established by technical standards for the storage of public records issued by the state archivist. Reference: Chapter 40.14 RCW.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-020, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-030 Use of state archives security storage facility.** State agencies shall store security microfilm in facilities provided by the division of archives and records management. Local agencies may store security microfilm with the division of archives or at other sites which meet archival microfilm vault storage standards.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-030, filed 3/20/92, effective 4/20/92.]

#### **WAC 434-677-040 Retention of security microfilm.**

Microfilm accepted for security storage will be retained per records retention schedules approved by the state or local records committee established in accord with chapter 40.14 RCW or per agency-approved essential records schedules established in accord with chapter 40.10 RCW. If the film is determined by the division of archives microfilm quality control examiner to be substandard, and the office of record has refused to take corrective or remedial action, the division reserves the right to return the film prior to the expiration of the scheduled retention.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-040, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-050 Access to security film.** Access to security microfilm stored by the state archives is restricted to authorized staff of the state archives for purposes of filing, inventory, inspection maintenance and approved duplication; and to authorized staff of the office of record depositing the film, for purposes of inspection.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-050, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-060 Use and removal of security microfilm.** Security microfilm is for use only as a master for authorized film duplication. Security microfilm will not be removed from the state archives storage facility except for permanent return to the agency of origin upon a sixty-day notification by the agency or the division of archives. Any relocation of security microfilm must be to facilities meeting security film storage standards.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-060, filed 3/20/92, effective 4/20/92.]

(2007 Ed.)

**WAC 434-677-070 Inspection and notification.** Security microfilm will be inspected upon receipt for film type, condition, density, and resolution quality. Security microfilm shall be spot checked throughout its storage life for evidence of deterioration. Agencies will be notified of substandard film and advised of recommended remedial actions.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-070, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-080 Right to refuse or return security film.** The division reserves the right to refuse or return microfilm sent for security storage under certain conditions including the following:

(1) The film is not the silver halide camera negative or first copy positive.

(2) The film does not meet state quality standards for density and resolution.

(3) The film has microscopic blemishing, mold, or other forms of deterioration or damage, or will not produce a usable work copy.

(4) The film is not packaged, identified, and transmitted in accord with division guidelines.

(5) The records being secured on microfilm do not qualify as essential records per chapter 40.10 RCW, or are not appraised as historically valuable.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-080, filed 3/20/92, effective 4/20/92.]

### **Chapter 434-690 WAC ARCHIVES—ACCESS TO PUBLIC RECORDS**

#### **WAC**

434-690-010	Purpose.
434-690-020	Description of central and field organization of the division of archives and records management.
434-690-030	Operations and procedures.
434-690-040	Public records available.
434-690-050	Public records officer.
434-690-060	Office hours.
434-690-070	Requests for public records—Archives—Scheduled records.
434-690-080	Fees.
434-690-090	Exemptions.
434-690-100	Review of denials of public records requests.
434-690-110	Protection of public records.
434-690-120	Records index.
434-690-130	Communication with division—Address.
434-690-140	Adoption of form.
434-690-990	Appendix A—Management organization chart of state archivist.
434-690-99001	Appendix B—Form—Request for public records.

**WAC 434-690-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the office of the secretary of state, division of archives and records management with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25–32 of that act, dealing with public records.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-010, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-020 Description of central and field organization of the division of archives and records management.** Division of archives and records management. The division is an administrative service and regulatory agency.

The administrative office of the division and its staff are located at the Archives and Records Center Building, Olympia, Washington.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-020, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-030 Operations and procedures.** The division of archives and records management is the primary archival and records management agency of Washington state government. The division is organized as depicted in Appendix A. Through its several sections, operating units, and regional offices it carries on the functions cited in chapter 434-620 WAC.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-030, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-040 Public records available.** All public records of the division as defined in WAC 434-15-610 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 434-690-100.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-040, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-050 Public records officer.** (1) The divisional records shall be in the charge of the public records officer designated by the secretary of state. The person so designated shall be located in the administrative office of the secretary of state. The public records officer shall be responsible for the following: The implementation of the division's rules and regulations regarding release of public records, coordinating the staff of the division in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(2) The archival records in the custody of the division shall be in the charge of the state archivist. The state archivist shall be located in the state archives and records center building. The state archivist shall be responsible for the following: The implementation of the division's regulations regarding the release of archival records, coordinating the staff of the division in this regard and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(3) The scheduled records in the custody of the division shall be in the charge of the public records officer designated by the agency of record origin. The public records officer of the agency of records origin shall be responsible for implementation of the agency's rules and regulations regarding the release of public records and coordinating with the staff of the state archives in this regard insofar as records of his agency in the custody of the state archivist are concerned.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-050, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-060 Office hours.** Divisional records, archives and scheduled records shall be available for inspection and copying during the customary office hours of the division. For the purposes of this chapter, the customary office hours shall be from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Title 434 WAC—p. 166]

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-060, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-070 Requests for public records—Archives—Scheduled records.** In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) **Divisional records.** A request shall be made in writing upon the form prescribed in WAC 434-690-150 which shall be available at the division's administrative office or at the secretary of state's administrative office. The form shall be presented to the secretary of state's public records officer at his/her office, or if he/she is not available, to any member of the division's staff at the administrative office of the division, during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;  
 (b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the division's current index, an appropriate description of the record requested.

(2) **Archives.** A request shall be made in writing upon a form prescribed by the division which shall be available at the state archives and records center. The form shall be presented to the state archivist, or to a member of the division's staff, designated by the state archivist, at the state archives building, during customary office hours. The requests shall include specific subject and date and/or state archives record group, sub-group, series and date information to facilitate record retrieval.

(3) **Scheduled records.** Requests for scheduled records in the custody but not under the jurisdiction of the state archives, must be made through the office of record origin in accord with the rules and regulations regarding the release of public records by that agency as published in the Washington Administrative Code in compliance with chapter 42.17 RCW. An approved request form or letter of authorization from an appropriate agency of records origin must then be presented to the state archivist, or a member of the division's staff, thereby granting access, unless the division has other access authority granted by agency of record. The request or letter of authorization shall include the same or nearly the same identifying information as that supplied for public records of the division.

(4) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-070, filed 11/12/91, effective 12/13/91.]

(2007 Ed.)

**WAC 434-690-080 Fees.** (1) No fee shall be charged for the inspection of public records.

(2) No fees shall be charged for records search and retrieval services.

(3) The division may impose a reasonable charge for providing copies of public records, regardless of media, and for the use by any person of division equipment to copy public records. Charges shall not exceed the amount necessary to reimburse the division for its actual costs incident to such copying.

(4) The division may charge a fee for research services prorated on salary benefit and overhead costs with a half-hour minimum.

(5) The division shall charge a fee of five dollars per certificate for issuance of a certificate or certified copies.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-080, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-090 Exemptions.** (1) The division reserves the right to determine that a public record or archive record requested in accordance with the procedures outlined in WAC 434-690-070 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.310, the division reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer or state archivist will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-090, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-100 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the secretary of state. The secretary of state shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the secretary of state has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-100, filed 11/12/91, effective 12/13/91.]

(2007 Ed.)

**WAC 434-690-110 Protection of public records.**

Records will be made available to the requestor subject to the following restrictions:

(1) The records may not be removed from the area designated.

(2) The quantity of records may be limited in consonance with the requested use.

(3) All possible care will be taken by the requestor to prevent damage to the records.

(4) Records may not be marked or altered in any way.

(5) Use of liquids and fountain pens; also eating, drinking, and smoking while utilizing the records is prohibited.

(6) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that may already exist in the file.

(7) Records may not be cut or mutilated in any way.

(8) Records must be kept in the order in which received.

(9) Records will be returned to the state archivist or his designee by the requestor when no longer required and no later than the end of the customary office hours as set forth in WAC 434-690-060.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-110, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-120 Records index.** (1) **Index.** The division has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:

"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

"(c) Administrative staff manuals and instructions to staff that affect a member of the public;

"(d) Planning policies and goals, and interim and final planning decisions;

"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others;

"(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or it is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party;

"(g) Public records accessioned into the archive proper of the state of Washington; and

"(h) Scheduled records in the custody of the state archives."

(2) **Availability.** The current index promulgated by the division shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-120, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-130 Communication with division—**

**Address.** All communications with the division including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the division's decisions and other matters, shall be addressed as follows: Office of the Secretary of State, c/o Public Records Officer, Legislative Building, Olympia, Washington 98504-0000.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-130, filed 11/12/91, effective 12/13/91.]

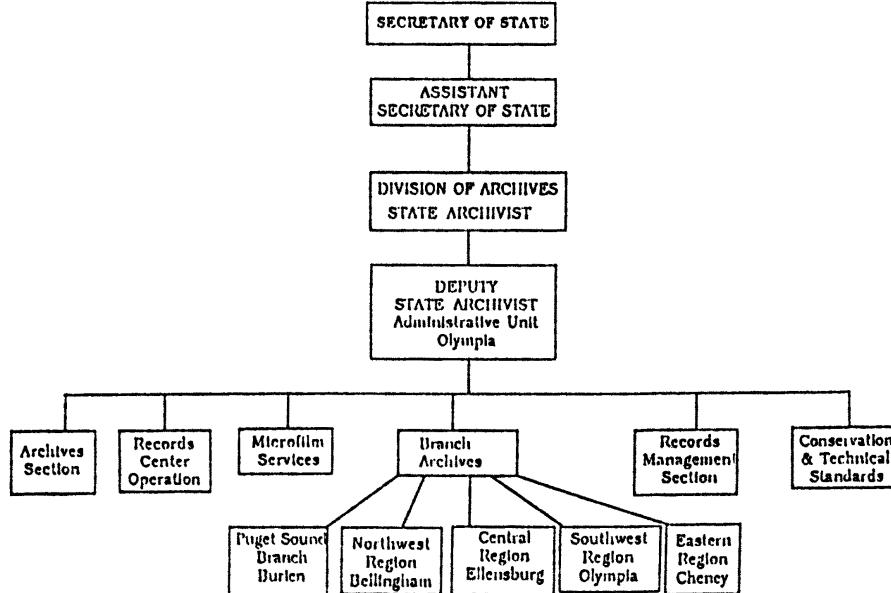
**WAC 434-690-140 Adoption of form.** The division hereby adopts for use by all persons requesting inspection

and/or copying or copies of its records, the form attached hereto as Appendix B entitled "Request for public record."

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-140, filed 11/12/91, effective 12/13/91.]

## **WAC 434-690-990 Appendix A—Management organization chart of state archivist.**

## APPENDIX A



[Statutory Authority: RCW 42.17.250, 91-23-024, § 434-690-990, filed 11/12/91, effective 12/13/91.]

**WAC 434-690-99001 Appendix B—Form—Request  
for public records.**

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-99001, filed 11/12/91, effective 12/13/91.]

**APPENDIX B**

**REQUEST FOR PUBLIC RECORDS**

Name of Requestor:

### Address:

Phone:

Date of Request:

### Time of Request:

### Nature of Request:

- |                          |
|--------------------------|
| 1. Index Reference ..... |
| .....                    |
| .....                    |
| .....                    |

Sign

For Office Use Only: Record

- (1) Request      Record      Withheld  
Granted  Withheld  In Part   
(2) If withheld, name the exemption contained in RCW 42.17.310 which authorizes the withholding of the record or part of record: Subsection (1) ( ).  
(3) If withheld, briefly explain how the exemption applies to the record withheld.  
(4) If request granted, time . . . . . day . . . . .

## **Chapter 434-840 WAC**

### **ADDRESS CONFIDENTIALITY PROGRAM**

WAC	
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434-840-200	Notification for marriage record confidentiality.
434-840-210	Marriage application.
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434-840-230	Marriage record transmission to department of health.
434-840-240	Certified copy of marriage certificates.
434-840-310	Protected records voter application.
434-840-320	Maintaining protected records voter information.
434-840-330	Mailing protected records voter ballots.
434-840-340	Processing protected records voter ballot.
434-840-350	Canvassing procedure for a special ballot of a protected records voter.

434-840-360 Undeliverable ballot.  
434-840-370 Election challenges.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-840-050	Notification of program participant status. [Statutory Authority: 1991 c 23. 91-20-074, § 434-840-050, filed 9/26/91, effective 10/27/91.] Repealed by 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.
434-840-090	Program participant compliance with agency rules. [Statutory Authority: 1991 c 23. 91-20-074, § 434-840-090, filed 9/26/91, effective 10/27/91.] Repealed by 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.
434-840-120	Record confidentiality. [Statutory Authority: 1991 c 23. 91-20-074, § 434-840-120, filed 9/26/91, effective 10/27/91.] Repealed by 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.
434-840-130	Agency response to public disclosure requests. [Statutory Authority: 1991 c 23. 91-20-074, § 434-840-130, filed 9/26/91, effective 10/27/91.] Repealed by 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.
434-840-300	Notification for voting record confidentiality. [Statutory Authority: 1991 c 23. 91-20-074, § 434-840-300, filed 9/26/91, effective 10/27/91.] Repealed by 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.

**WAC 434-840-001 Authority and purpose.** These rules are adopted pursuant to RCW 40.24.030 and 40.24.090. The purpose of this chapter is to provide the administrative procedures necessary to implement chapter 40.24 RCW; to provide a procedure for state and local agencies to respond to requests for public records without disclosing the location of a program participant; to provide a procedure to facilitate interagency cooperation in providing address confidentiality for a program participant; to establish uniform statewide procedures for maintaining the confidentiality of a program participant's name and address information in marriage and voting records; and to provide a procedure for state and local agencies to accept a program participant's use of a substitute mailing address.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-001, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-001, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-005 Definitions.** For the purposes of this chapter:

(1) "Address confidentiality program (ACP)" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter 40.24 RCW.

(2) "Agency" means an office, department, division, bureau, board, commission, or other statutory unit of state or local government or any functional subdivision of that agency.

(3) "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides advocacy, counseling, referral, or shelter services to victims of sexual assault, domestic violence, or stalking who has been designated by the respective agency, and has been accepted by the secretary of state to assist individuals with threat assessment, safety planning, determining whether the program's services can help keep the victim safe, and the completion and submission of the ACP application.

(4) "Authorization card form" means the incomplete form for an authorization card on which no identifying program participant information has been entered.

(5) "Authorized personnel" means an employee of a county auditor's office, a county recording office, the Washington state department of health, or the office of the secretary of state who has been designated by the chief executive officer of the respective agency, to process and have access to voter application, voting records, marriage applications and records pertaining to program participants.

(6) "Bona fide statutory or administrative requirement" means that without possession of an individual's actual residential address the agency is incapable of fulfilling its statutory duties and obligations.

(7) "Protected records voter" means a program participant who has applied and qualified as a service voter, as provided under RCW 29A.04.163, with ongoing absentee ballot voter status, as provided under RCW 29A.40.140.

(8) "Record" means any information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(9) "Substitute mailing address" means the mailing address designated by the secretary of state which shall not be the program participant's residential address as documented on her or his application for program participation.

(10) "Residential address" means the physical location where the participant resides for which the participant is requesting confidentiality.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-005, filed 6/9/05, effective 7/10/05. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-840-005, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-005, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-005, filed 9/26/91, effective 10/27/91.]

#### WAC 434-840-010 Application and certification process.

(1) The program applicant shall provide all the information required on the certification application and date and sign the form. An applicant shall specify a Washington state residential address, work, and school addresses, if any, for which confidentiality is requested. The standard application form shall also include the application preparation date, and the signature of the application assistant as provided in RCW 40.24.080.

(2) An individual who has filed a properly completed application shall be certified as a program participant and issued a program participant authorization card. The authorization card shall include the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.

(3) A properly completed application shall be effective on the day it is received by the address confidentiality program.

(4) The term of a program participant's certification shall be four years following the effective date of her or his application unless the certification is withdrawn or invalidated before that date.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-010, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-010, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-020 Exercise of program participant's privileges.** (1) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request that the agency use the substitute mailing address as the participant's residence, work and/or school address.

(2) A program participant shall show her or his authorization card to the agency official creating a new record and request address confidentiality through the use of the substitute mailing address as it appears on the authorization card, in lieu of her or his actual location.

(3) The agency official creating a new record may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant. The agency official may call the program to verify an individual's current participation status in the program.

(4) An agency shall accept the substitute mailing address unless the agency has received a written exemption from the secretary of state pursuant to RCW 40.24.050 and WAC 434-840-070.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-020, filed 6/9/05, effective 7/10/05; 98-19-063, § 434-840-020, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-020, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-030 Certification renewal.** (1) A program participant may renew her or his program certification by filing with the address confidentiality program: (a) Her or his current authorization card; (b) a properly completed renewal application form; and (c) a new authorization card form. The program participant shall provide all the information required on the renewal application form and date and sign the form.

(2) The address confidentiality program shall: (a) Certify a program participant, who has filed a properly completed renewal application form, to participate in the program for an additional four year term unless the certification is withdrawn or invalidated before that date; (b) issue to the program participant a new authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and signature.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-030, filed 6/9/05, effective 7/10/05; 98-19-063, § 434-840-030, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-030, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-040 Certification withdrawal, invalidation, expiration, and termination.** (1) A program participant may withdraw from program participation by submitting to the address confidentiality program: Written notification of withdrawal and her or his current authorization card. Certification shall be terminated on the date of receipt of this notification. If the program participant requests cancellation but does not return her or his current authorization card and/or does not submit written notification of the request, the secretary of state may, at his/her discretion, cancel program participation based solely on the verbal request.

(2) The address confidentiality program shall terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant's certification term has expired and certification renewal has not been completed; (b) the address confidentiality program has deter-

mined that false information was used in the application process; or (c) the program participant fails to respond to the program's request for verification of the participant's residential address.

(3) The address confidentiality program may terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant no longer resides at the residential address on file, and has not provided at least two days' prior notice in writing of a change of address; (b) first class mail, certified mail, or a service of process document forwarded to the program participant by the address confidentiality program is returned as nondeliverable, refused, or unclaimed; or (c) the program participant obtains a legal change of identity.

(4) The address confidentiality program shall send written notification of the termination to the participant's last known mailing or residential address. The program participant shall have five business days in which to appeal the termination under procedures developed by the secretary of state.

(5) The address confidentiality program shall notify the appropriate authorized personnel when a participant has been terminated from the program. The authorized personnel shall transmit to the address confidentiality program all appropriate administrative records pertaining to the participant. The transmitting agency is no longer responsible for maintaining record confidentiality for a terminated program participant under chapter 40.24 RCW.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-040, filed 6/9/05, effective 7/10/05; 98-19-063, § 434-840-040, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-040, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-060 Information release to law enforcement agency.** A request from a law enforcement agency for release of records in a program participant's file shall be in writing, on agency letterhead stationery, and shall contain the signature of the agency's chief law enforcement officer as defined in RCW 10.98.040, the request date, and the name of the program participant.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-060, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-060, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-070 Agency exemption request.** (1) An agency requesting an exemption under RCW 40.24.050, must provide in writing to the secretary of state: (a) Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual; (b) identification and description of the specific record or record series for which the exemption is requested; (c) identification of the individuals who will have access to the record; (d) explanation of how the agency's acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and (e)(i) explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures; and, where appropriate, (ii) description of any agency procedural change(s) that could be made that would allow it to accept the substitute

address and meet its statutory or administrative obligations and an estimate of implementation time needed.

(2) The secretary of state shall file and review an agency's request for an exemption.

(3) During the review, evaluation and appeal of an agency's exemption request, the agency shall accept the use of a program participant's substitute address.

(4) The secretary of state's determination to grant or withhold a requested exemption shall be based on, but not limited to, an evaluation of the information provided under subsection (1) of this section in conformance with the statutory standard of a bona fide statutory or administrative requirement for the use of a program participant's actual address.

(5) If the secretary of state determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's actual address information and that the actual address information will be used only for those statutory and administrative purposes, the secretary may issue a written exemption for the agency. When granting an exemption, the secretary may include: (a) An agency's obligation to maintain the confidentiality of a program participant's address information; (b) limitations on use and access to that address information; (c) term during which the exemption is authorized for the agency; (d) designation of the record format on which the address information may be maintained; (e) designation of an address information disposition date after which the agency may no longer maintain a record of the address information; and (f) any other provisions and qualifications determined appropriate by the secretary of state.

(6) When a program participant requests use of the substitute address in a record, and the agency has received an exemption for that record, the agency shall immediately provide a copy of the written exemption to the requesting program participant. The agency shall notify the address confidentiality program of the occurrence and denial of the program participant's request.

(7) The secretary of state's denial of an agency exemption request shall be made in writing and include a statement of the specific reasons therefore.

(8) An agency may appeal the denial of its request by resubmitting its written request together with additional data, information, and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary of state's denial determination.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-070, filed 6/9/05, effective 7/10/05; 98-19-063, § 434-840-070, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-070, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-080 Service of process.** (1) The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the secretary of state of any such summons, writ, demand, notice, or process shall be made by mailing to the substitute address or by delivering to the secretary of state at his/her office in Olympia, WA: (a) Two copies of the summons, writ, notice, demand, or process; and (b)

twenty-five dollars service-of-process fee for each action or document filed.

(3) If a summons, writ, notice, demand, or process is served on the secretary of state, the secretary of state shall immediately forward a copy to the program participant at the participant's current mailing address shown on the records.

(4) The secretary of state shall maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the secretary of state for that participant under RCW 40.24.030 (1)(b), which shall include the date of such service and the secretary of state's action.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-080, filed 6/9/05, effective 7/10/05; 98-19-063, § 434-840-080, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-080, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-100 Acknowledgement for marriage and voting record confidentiality.** (1) When a program participant requests confidentiality for marriage records, both the program participant and her or his intended spouse shall sign and date a statement provided by the secretary of state, that describes access limitations on confidential marriage records.

(2) When a program participant requests confidentiality for voting records, she or he shall sign a statement provided by the secretary of state, that documents the date of this request and the ongoing absentee ballot voting process to be used.

(3) The authorized personnel shall keep the original copy of this signed acknowledgement, forward one copy to the address confidentiality program and give one copy to the program participant.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-100, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-100, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-110 Proof of program participant's authority.** (1) When a program participant requests name and address confidentiality for marriage or voting records, authorized personnel shall check the authorization card to confirm that the term of program participation has not expired and that the program participant's signature on the authorization card matches that on the acknowledgement form.

(2) Authorized personnel may make a photocopy of the program participant's authorization card. The authorization card shall be immediately returned to the program participant. The photocopy shall be kept with the confidential marriage or voting records for this program participant during the time the records are filed and maintained by the county auditor or county recording officer. The authorized personnel may call the program to verify an individual's current participation status in the program.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-110, filed 6/9/05, effective 7/10/05; 98-19-063, § 434-840-110, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-110, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-200 Notification for marriage record confidentiality.** A program participant shall notify the appropriate county auditor or county recording officer of her or his request for confidentiality in marriage records by appearing in person with her or his intended spouse before the county auditor or county recording officer.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-200, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-200, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-210 Marriage application.** (1) Authorized personnel shall verify that the application for a marriage license and certificate of marriage form are completed in full. The certificate of marriage shall contain the program participant's authorization code and expiration date.

(2) Authorized personnel shall provide the program participant with a "confidential records" envelope in which the program participant shall transmit all completed marriage documents to the county auditor or county recording officer.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-210, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-210, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-220 Marriage record filing.** Any notation of a confidential marriage license application, certificate, or record, by authorized personnel shall be made in a manner that preserves the confidentiality of the information contained in that document.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-220, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-220, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-230 Marriage record transmission to department of health.** The county authorized personnel shall transmit a completed marriage certificate containing the name and address of a program participant, to the department of health in an envelope distinctly marked "confidential records."

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-230, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-230, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-240 Certified copy of marriage certificates.** Upon the request of a program participant, accompanied by the appropriate fee, the address confidentiality program may request in writing a certified copy of a program participant's marriage certificate from the agency maintaining that record and release it to the program participant. A certified copy of a marriage certificate containing the name of the program participant is only available through the address confidentiality program.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-240, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-240, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-310 Protected records voter application.** (1) A program participant shall notify the appropriate county authorized personnel of her or his request for confidentiality in voting records by appearing in person before the appropriate county authorized personnel. The program participant shall: (a) Present her or his program authorization card; (b) cancel any previously existing voter registration;

and (c) apply to vote by providing all the information required on the address confidentiality program ongoing absentee ballot application.

(2) The program participant shall disclose to the authorized personnel the actual address of her or his residence only for the purpose of determining proper precinct and district designations.

(3) An application for protected records voter status and an absentee ballot to be issued to the participant in person, may be made no later than the day before an election. An application for protected records voter status and an absentee ballot to be mailed to the substitute mailing address shall be made no later than twenty working days before the first election in which the program participant wishes to vote.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-310, filed 6/9/05, effective 7/10/05; 98-19-063, § 434-840-310, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-310, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-320 Maintaining protected records voter information.** All records pertaining to a protected records voter shall be maintained in a manner ensuring that these records are accessible only to authorized personnel. Location information (including, but not limited to, residential address, county, precinct, taxing district, legislative or congressional district) for a protected records voter shall not be maintained on any voter registration data base and shall not be publicly accessible regardless of the type of records management system except as provided by RCW 40.24.060.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-320, filed 6/9/05, effective 7/10/05; 98-19-063, § 434-840-320, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-320, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-330 Mailing protected records voter ballots.** At least twenty days before every special, primary, or general election, authorized personnel shall review all protected records voter files and forward the appropriate ongoing absentee ballot for each protected records voter via the substitute mailing address.

The county authorized personnel shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-840-320.

[Statutory Authority: RCW 40.24.090. 05-13-059, § 434-840-330, filed 6/9/05, effective 7/10/05; 98-19-063, § 434-840-330, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-330, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-340 Processing protected records voter ballot.** (1) The ongoing absentee ballot for a protected records voter shall be prepared by county authorized personnel in the following manner:

(a) The ballot and corresponding voter's guide, shall be placed with ballot security envelope, return envelope with oath in an envelope addressed to the substitute address;

(b) The voter's name, and authorization code shall be entered onto the return envelope to ensure that the returned ballot will be segregated and routed to authorized personnel for processing;

(2) The voted absentee ballot for a protected records voter shall be processed by county authorized personnel in the following manner:

(a) The authorized personnel shall compare the signature on the returned ballot envelope with the signature on the address confidentiality program ongoing absentee ballot application;

(b) If the signature does not correspond to the signature on file, indication of this discrepancy shall be entered onto the return envelope; and county authorized personnel shall notify the address confidentiality program.

(c) The address confidentiality program shall, upon receipt of a notice pursuant to (b) of this subsection attempt to determine the cause of the discrepancy, and notify the appropriate county authorized personnel of any relevant information, that should be considered by the county canvassing board.

(4) If the protected records voter neglects to sign the affidavit on the return envelope, the county authorized personnel shall notify the protected records voter by first class mail of that fact. The authorized personnel may provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election. Authorized personnel shall keep a record of the date on which the notice was mailed to the protected records voter as well as the date on which the voter signed the return envelope or the copy of the return envelope affidavit.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-340, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-340, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-350 Canvassing procedure for a special ballot of a protected records voter.** A special ballot, as defined in WAC 434-240-010(13), of a protected records voter shall be presented to the canvassing board in executive session.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-350, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-840-350, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-350, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-360 Undeliverable ballot.** If any protected records voter's ongoing absentee ballot is declared undeliverable by the post office and returned, to the address confidentiality program, the address confidentiality program shall attempt to determine the cause of this occurrence and inform the county authorized personnel of any relevant information regarding the reason for the ballot's return.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-360, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-360, filed 9/26/91, effective 10/27/91.]

**WAC 434-840-370 Election challenges.** If any post-election challenges are brought pertaining to the outcome of any election and it becomes necessary to check the validity of all absentee ballots cast in the election by verifying the names and addresses of all voters casting absentee ballots, a protected records voter's ballot shall not be included in the

review unless the county canvassing board determines that this ballot would be determinative of the election outcome. When the county canvassing board has determined that review of a protected records voter's ballot is necessary, authorized personnel shall verify the protected records voter's ballot using extreme caution to ensure continued confidentiality.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-370, filed 9/26/91, effective 10/27/91.]